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SIDNEY L. STRICKLAND, JR.
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

January 11, 2008

Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street, S W
Washington, DC 20423-0001

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ENTERED
Office of Proceedings

JAN 11 2008
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Public Record

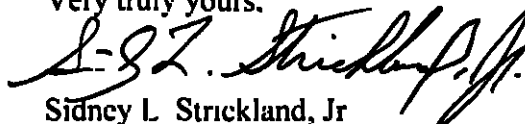
**Re: STB Docket No. AB-6 (Sub. No. 461X) BNSF Railway Company—
Abandonment Exemption – in Marion County, MO**

Dear Secretary Williams

Enclosed please find an original and 10 copies of the Petition for Exemption under 49 U S C 10502 for filing with the Board in the above-referenced matter

Also enclosed is a check in the amount of \$5,400 for the filing fee

Very truly yours,



Sidney L. Strickland, Jr.
Attorney for BNSF Railway Company

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JAN 11 2008

**SURFACE
TRANSPORTATION BOARD**

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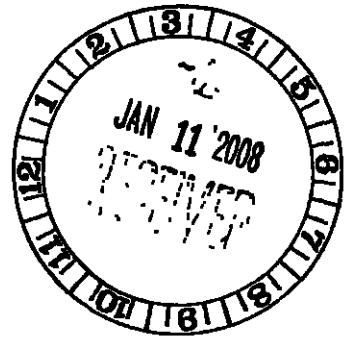
**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO AB-6 (SUB NO 461X)

BNSF RAILWAY COMPANY
--ABANDONMENT EXEMPTION--
IN MARION COUNTY, MO

PETITION FOR EXEMPTION



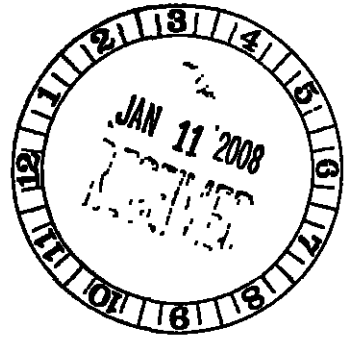
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SIDNEY L. STRICKLAND, JR.
ELIZABETH E. WAITE
Attorneys for
BNSF Railway Company
3050 K Street, N.W.
Suite 101
Washington, DC 20007

Dated January 11, 2008



BEFORE THE

SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-6 (SUB. NO. 461X)

BNSF RAILWAY COMPANY
--ABANDONMENT EXEMPTION--
IN MARION COUNTY, MO

PETITION FOR EXEMPTION

BNSF Railway Company ("BNSF") petitions the Surface Transportation Board ("STB" or "Board") to exempt, under 49 U.S.C. § 10502, from the prior approval requirements of 49 U.S.C. § 10903, BNSF's abandonment of a 0.56-mile rail line located in Marion County, Missouri.

PROPOSED TRANSACTION

BNSF proposes to abandon its rail line located between Milepost 13.86 and Milepost 14.42, near Palmyra, Marion County, Missouri (the "Line"). The Line traverses U.S. Postal Service Zip Code 63461. A map of the Line is attached as Exhibit A.

Based on information in BNSF's possession, the Line does not contain any federally granted right-of-way. Any documentation in BNSF's possession will be made available to those requesting it.

STATEMENT OF FACTS

The line proposed for abandonment in Palmyra is the remnant of the Hannibal-Palmyra branch line which served multiple industries, including manufacturers and warehouses, for many years. Oakwood to Palmyra was abandoned in 1957. The remaining track in Palmyra continued to serve lease customers including an oil company, an agricultural coop and a lumber company. The oil company vacated the premises at some time prior to 2004. The agricultural coop remains under lease but has not made or received rail shipments in many years.

Great Central Lumber is the only customer who has used the rail line in the past two years. However, in March 2006, Great Central Lumber began receiving shipments at an area depot located west of the proposed abandonment. There have been a total of 30 shipments made to Great Central Lumber in the past two years, primarily plywood and lumber. Year 2007 averaged less than one car per month. There are no outbound shipments. BNSF has no plans for and anticipates no potential for future use of this 0.56-mile of rail.

Abandonment of this Line will relieve BNSF of future maintenance costs.

EXEMPTION REQUESTED

BNSF seeks an exemption under 49 U.S.C. § 10502 from the applicable requirements of 49 U.S.C. § 10903 to permit BNSF to abandon this 0.56-mile rail line.

Under 49 U.S.C. § 10502, the STB must exempt a transaction from regulation when it finds that

(1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101, and

- (2) either
- (a) the transaction is of limited scope, or
 - (b) regulation is not necessary to protect shippers from the abuse of market power

The legislative history of Section 10502 reveals a clear Congressional intent that the STB should liberally use its exemption authority to free certain transactions from the administrative and financial costs associated with continued regulation. In enacting the Staggers Act of 1980, Pub. L. No. 96-448, 94 Stat. 1895, Congress encouraged the STB's predecessor to use liberally the expanded exemption authority under former Section 10505.

The policy underlying this provision is that while Congress has been able to identify broad areas of commerce where reduced regulation is clearly warranted, the Commission is more capable through the administrative process of examining specific regulatory provisions and practices not yet addressed by Congress to determine where they can be deregulated consistent with the policies of Congress. The conferees expect that, consistent with the policies of this Act, the Commission will pursue partial and complete exemption from remaining regulation.

H.R. Rep. No. 1430, 96th Cong. 2d Sess. 105 (1980). See also Brac Corp. v. United States, 740 F.2d 1023 (D.C. Cir. 1984), Exemption From Regulation – Boxcar Traffic, 367 I.C.C. 424, 428 (1983), vacated and remanded on other grounds. Congress reaffirmed this policy in the conference report accompanying the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which re-enacted the rail exemption provisions as Section 10502. H.R. Rep. 422, 104th Cong., 1st Sess. 168-69 (1995).

A. The Application of 49 U.S.C. § 10903 Is Not Necessary to Carry Out The Rail Transportation Policy

Detailed scrutiny of this transaction is not necessary to carry out the rail transportation policy. An exemption would minimize the unnecessary expenses associated with the filing of a formal abandonment application, expedite regulatory decisions and reduce regulatory barriers to exit [49 U.S.C. § 10101(2) and (7)]. *See, e.g., Norfolk & W. Ry. Co. – Abandonment Exem. – Cinn., Hamilton County, OH*, 3 S.T.B. 110 (1998), STB Docket No. AB-367 (Sub-No. 2X), *Georgia Central Railroad, L.P. – Abandonment Exemption – In Chatham County, GA* (not printed), served September 17, 1997 (“*Georgia Central*”). By abandoning the Line, BNSF will be able to avoid the significant opportunity costs associated with retaining this Line. Granting the exemption will thus foster sound economic conditions and encourage efficient management. 49 U.S.C. § 10101(5) and (9). *See, e.g., STB Docket No. AB-497 (Sub-No. 1X), Minnesota Northern Railroad, Inc. – Abandonment Exemption – In Red Lake and Polk Counties, MN* (not printed), served November 14, 1997, STB Docket No. AB-318 (Sub-No. 4X), *Louisiana & Delta Railroad, Inc. – Abandonment Exemption – In Lafourche and Assumption Parishes, LA* (not printed), served August 26, 1997. BNSF will be able to rid itself of a line that has not seen traffic in over twenty-one (21) months and would also avoid future maintenance costs. BNSF will be able to utilize the salvage and sales funds to maintain the tracks on the remainder of BNSF’s system. Other aspects of the rail transportation policy are not adversely affected. For example, competition and the continuation of a sound rail transportation system are not affected as there are no active shippers on the Line.

B. This Transaction Is of Limited Scope

In determining whether a proposed transaction is of limited scope, the Board considers a variety of factors, such as the length of the rail line, the number of shippers on the line and the traffic volume. *See, e.g., Burlington Northern Railroad Company – Abandonment Exemption – In Greene and Polk Counties, MO* (not printed), served August 27, 1993, Docket No. AB-347 (Sub-No. 1X), *Florida West Coast Railroad Company – Abandonment Exemption – Gilchrist and Levy Counties, FL* (not printed), served January 16, 1992, Docket No. AB-6 (Sub No. 349X).

The proposed transaction is clearly of limited scope. BNSF is seeking to abandon a 0.56-mile line that traverses a small community in a predominantly rural area where there are no shippers on Line. The shortness of the Line, the limited geographic area involved, and limited use, all demonstrate the limited scope of the proposed abandonment. *See, e.g., Docket No. AB-397 (Sub-No. 3X), Tulare Valley Railroad Company – Abandonment Exemption – In Tulare And Fresno Counties, CA* (not printed), served February 9, 1995.

C. This Transaction Will Not Result in an Abuse of Market Power

There are no shippers on the Line. Therefore, regulation is not necessary to protect shippers from an abuse of market power. *See, e.g., STB Docket No. AB-55 (Sub-No. 576) CSX Transportation, Inc. – Abandonment Exemption – In Guernsey County, OH* (not printed), served November 22, 1999, STB Docket No. AB-55 (Sub-No. 563X), *CSX Transportation, Inc. – Abandonment Exemption – In Harrison County, WV* (not printed), served September 25, 1998, *Georgia Central*

ENVIRONMENTAL AND HISTORIC REPORTS

The Environmental Report and the Historic Report containing the information required by 49 C.F.R. §§ 1105.07 and 1105.08 were forwarded to the Board on November 28, 2007. The Certificate of Service for this Petition for Exemption is attached as Exhibit B.

FEDERAL REGISTER NOTICE

A draft Federal Register notice is attached to this Petition as Exhibit C.

LABOR PROTECTION

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protection conditions in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

CONCLUSION

Application of the regulatory requirements and procedures of 49 U S C § 10903 is not required to carry out the rail transportation policy set forth in 49 U S C § 10101, as previously described in this Petition, nor is STB regulation required to protect shippers from an abuse of market power. Moreover, this abandonment is of limited scope. Accordingly, BNSF respectfully urges the Board to grant this petition and related abandonment request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sid L. Strickland, Jr.", written over a horizontal line.

SIDNEY L. STRICKLAND, JR.

Attorney for
BNSF Railway Company
3050 K Street, N.W.
Suite 101
Washington, DC 20007

Dated January 11, 2008

Palmyra, Missouri Trackage
Off Line Segment 15

STB Docket # AB-6, Sub 461X

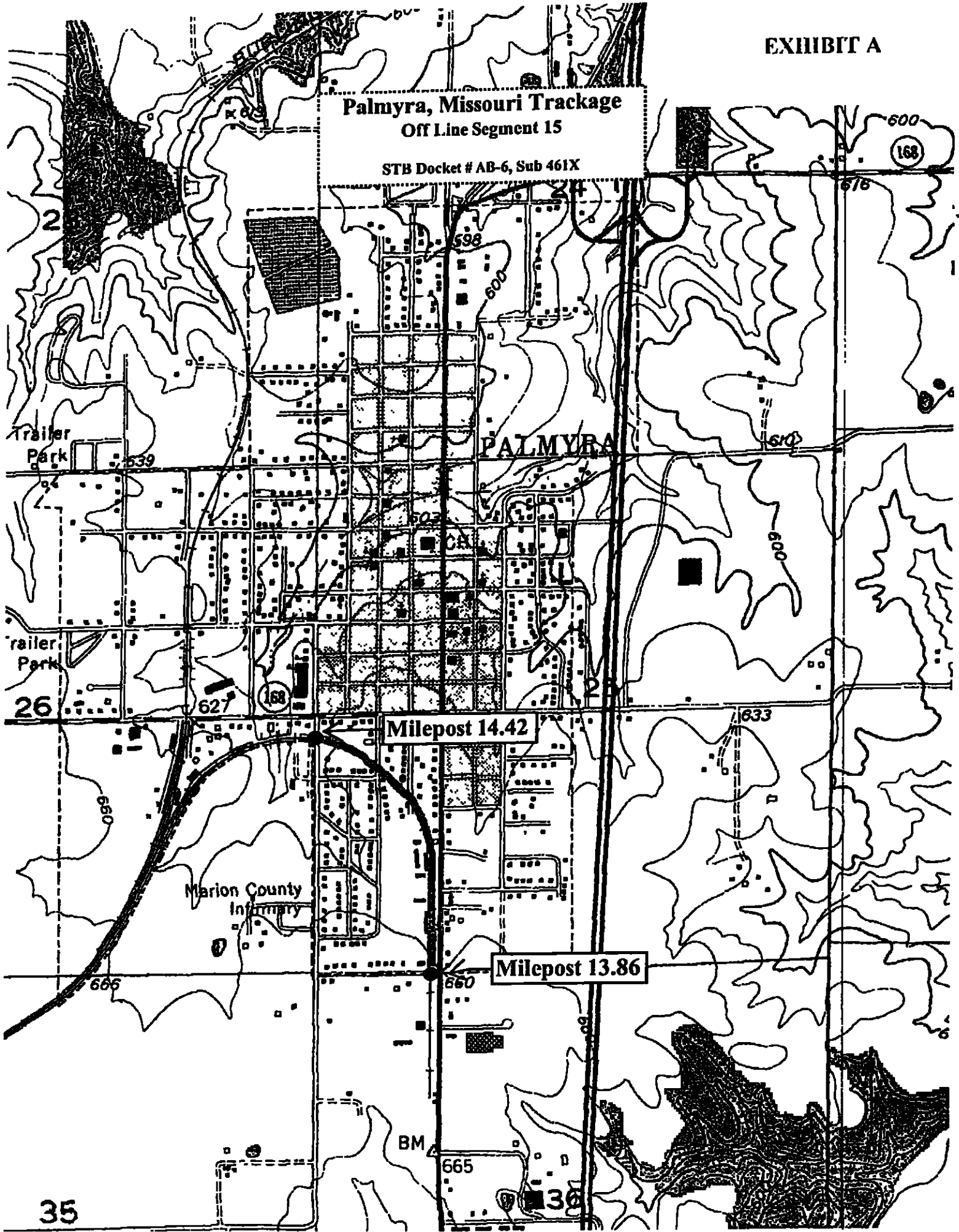


EXHIBIT B

CERTIFICATE OF SERVICE

Pursuant to 49 C F R § 1152 60(d), the undersigned hereby certifies that the Petition for Exemption in STB Docket No AB-6 (Sub-No 461X) was mailed via first class mail on December 18, 2007. to the following parties

State Public Service Commission

Public Information Office
Governor Office Building
200 Madison Street
PO Box 360
Jefferson City, MO 65102-0360

Military Traffic Management Command

Military Traffic Management Control
ATTN Railroads for National Defense
720 Thimble Shoals Blvd , #130
Newport News, VA 23606-2574

National Park Service

U S. Department of the Interior
National Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240-0001

U.S. Department of Agriculture

U S Department of Agriculture
Chief of the Forest Service
4th Floor N W , Yates Building
201 14th Street, SW
Washington, DC 20250

Dated January 11, 2008


Sidney L. Strickland, Jr

EXHIBIT C

SURFACE TRANSPORTATION BOARD

STB DOCKET NO AB-6 (SLB-NO 461X)

BNSF RAILWAY COMPANY --ABANDONMENT EXEMPTION-- MARION COUNTY, MO

On January 11, 2008, BNSF Railway Company (BNSF) filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provision of 49 U.S.C. 10903 for BNSF to abandon a line of railroad extending from Milepost 13.86 to Milepost 14.42, near Palmyra, Missouri, which traverses U.S. Postal Service Zip Code 63461, a distance of 0.56 miles in Marion County, Missouri. There are no stations on the line for which an abandonment exemption was filed.

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interests of railroad employees will be protected by the conditions set forth in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued within 90 days (by April 10, 2008).

Any offer of financial assistance under 49 C.F.R. 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition under 49 C.F.R. 1152.28 and any request for trail use/rail banking under 49 C.F.R. 1152.29 will be due no later than 20 days after notice of the filing of the petition for exemption is published in the *Federal Register*.

All filings in response to this notice must refer to STB Docket No. AB-6 (Sub-No 461X) and must be sent to (1) Office of the Secretary, Case Control Unit, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001, and (2) Sidney L. Strickland, Jr., Sidney Strickland and Associates, PLLC, 3050 K Street N.W., Suite 101, Washington, DC, 20007.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 C.F.R. Part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Decided _____ 2008

By the Board, David M. Konschnik, Director, Office of Proceedings,
Vernon A. Williams

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in STB Docket No AB-6 (Sub-No 461X) was published on December 12, 2007, in the *The Kansas City Star*, a newspaper of general circulation Marion County, Missouri as required by 49 C F R § 1105.12

Dated January 11, 2008


Sidney L. Strickland, Jr

CERTIFICATION PURSUANT TO 49 C.F.R. 1105.7(c) and 8(c)

BNSF Railway Company ("BNSF"), by and through its authorized representative, Sidney L Strickland, Jr., certifies that on November 28, 2007, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies

Ms Victoria Rutson
Chief, SEA
Surface Transportation Board
395 E Street, S W
Washington D C 20423-0001

Mark A Miles
Director and Deputy
State Historic Preservation Officer
Historic Preservation Program, Division of State Parks
Missouri State Department of Natural Resources
P O Box 176
Jefferson City, MO 65102

Nathan Briggs
Right of Way Manager
Northeast District
Missouri Department of Transportation
P O Box 1067
South Route 61
Hannibal, MO 63401

Mitch Krueger
District Conservationist
USDA/NRCS-SWCD
P O Box 158
210 E Main Street
Shelbyville, MO 63469-0158

Lyndon Bode, Presiding Commissioner
Marion County Commissioners
100 South Main Street
County Courthouse
Palmyra, MO 63461-1661

National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway
Silver Springs, MD 20910-3282

Daniel Switzer
District Conservationist
Natural Resources Conservation Service
United States Department of Agriculture
Liberty Service Center
1 Victory Drive, Suite 100
Liberty, MO 64068-1974

Curt B Gately
Environmental Specialist IV
Missouri Department of
Natural Resources
Water Pollution Control Branch
1101 Riverside
Jefferson City, MO 65102

Neil Bass
Kansas City District, Corps of Engineers
Department of the Army
700 Federal Building
Kansas City, MO 64106-2896

Charlie Scott
Field Supervisor
Region 3
Fish and Wildlife Service
U S Department of the Interior
101 Park DeVille Drive, Suite A
Columbia, MO 65203-0057

Marcia Sieckman
Milwaukee Field Office
Bureau of Land Management-Eastern States
U S Department of the Interior
626 E Wisconsin Avenue, Suite 200
Milwaukee, Wisconsin 53202-4617

Rhonda Dodd
Palmyra City Clerk
P O Box 32
Palmyra, MO 63461

Gene W Walsh
Project Manager, Enforcement Section
U S Army Corps of Engineers, Rock Island
Regulatory Branch
P O Box 2004
Rock Island, IL 61204-2004

Brad Wise,
Senior Right of Way Specialist
Kansas City Area District
Missouri Department of Transportation
600 NE Colbern Road
Lee's Summit, MO 64086

Robert Maydwell
Midwest Region
National Park Service
U S Department of the Interior
601 Riverfront Drive
Omaha, NE 68102-4226

Stephen Smith
NEPA Coordinator
U S EPA, Region 7
901 N 5th Street
Kansas City, KS 66101

Missouri Federal Assistance Clearinghouse
Office of Administration
P O Box 809
Jefferson City, MO 65102

The required cover letters (pursuant to 49 C F R 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.



Sidney I. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K Street N W
Suite 101
Washington, D C 20007

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN MARION COUNTY, MO**

**DOCKET NO. AB-6
(SUB. NO. 461X)**

ENVIRONMENTAL AND HISTORIC REPORTS

**BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P O Box 96157
Fort Worth, TX 76161-0057**

**By SIDNEY L. STRICKLAND, JR.
ELIZABETHE WAITE
SIDNEY STRICKLAND AND ASSOCIATES
3050 K Street, N.W.,
Suite 101
Washington, DC 20007
(202) 338-1325**

Attorneys for BNSF Railway Company

DATED November 28, 2007

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN MARION COUNTY, MO**

**DOCKET NO. AB-6
(SUB. NO. 461X)**

**ENVIRONMENTAL AND HISTORIC REPORTS
(49 C.F.R. 1105.7 AND 49 C.F.R. 1105.8)**

Pursuant to 49 C.F.R. § 1105.7 and § 1105.8, BNSF Railway Company (BNSF) (referred to as "Applicant") hereby files Environmental and Historic Reports. These Reports constitute Applicant's assessment of the environmental effects and historic effects of abandonment of rail service on the involved rail line. Persons who review these Reports are entitled to provide comments to the Surface Transportation Board (STB), Section of Environmental Analysis (SEA), 395 E Street, S.W., Washington, DC 20423. There is information in the Applicant's files to indicate that the rail line covered by these Reports does not contain any federally granted rights-of-way. See 49 C.F.R. § 1152.60(d). These Reports have been prepared in conjunction with the prospective filing of a Petition for Exemption for abandonment of the involved rail line. STB regulations provide that the Petition for Exemption cannot be filed until at least 20 days after these Reports are submitted.

I
ENVIRONMENTAL REPORT
(49 C.F.R. 1105.7)

The following information is submitted to the SIB by BNSF in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Petition for Exemption seeking authority to abandon 0.56 miles of railroad line between Milepost 13.86 and Milepost 14.42, near Palmyra, Marion County, Missouri (the "Line")

(1) Proposed Action and Alternatives: Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon the Line. The proposed abandonment may include the removal of the rails and ties, including any bridges, structures and crossings. BNSF bids its salvage packages out to independent contractors. The winning bidder will start work with the removal of the rails and metal parts of the track structure. Next, the wooden ties will be removed and separated into second-hand ties, landscape quality ties and scrap ties (which are disposed of at an appropriate site). The bridges and crossings as well as any other structures will be removed last. Culverts and the rail line embankment will stay intact so as not to alter the prevailing waterflows along the line. Any bridge pilings will be pulled out, cut off at ground level or broken off at or below the mud line. Steel bridges will be dismantled and removed. If there are concrete abutments or piers involved, they may be left intact. BNSF salvage contractors are not permitted to

place fills or other material in water bodies, including inland waterways

Contractors are also required to limit their activities to the width of the right-of-way. When the salvage process is complete, waterflows in the area should not be disrupted. In this instance, there is one (1) bridge and four (4) culverts located on the Line. BNSF is not aware of any other structures. A map of the Line is attached as Exhibit A.

(2) Transportation System: Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no effect on existing transportation systems or patterns. The trackage was taken out of service on March 15, 2006 due to a bad bridge and poor track conditions. There is no overhead traffic to be rerouted and BNSF is aware of no potential for traffic over the line.

(3) Land Use:

(1) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The proposed abandonment should not be inconsistent with local or regional land use plans. The City of Palmyra ("City") indicates, via telephone conversation with Lauren Graham, Palmyra City Mayor, that there may be minimal interest in converting the rail line into a trail. Mr. Graham also indicates the City is interested in removing the overpass located at Milepost 14.42 so that the street underneath can be widened to two (2) lanes. Mr. Graham can be reached at (573) 769-2800.

Also, the Missouri Department of Transportation (MoDOT) indicates MoDOT "has no current plans for a highway relocation project at this time within the area of the existing railroad." See Exhibit B, letter dated June 5, 2007, from Nathan Briggs, Right of Way Manager, Northeast District, Missouri Department of Transportation

(ii) Based on consultation with the U S Soil Conservation Service, state the effect of the proposed action on any prime agriculture land

The proposed abandonment should have no effect on prime agricultural lands. The Natural Resources Conservation Service ("NRCS") (formerly known as the U S Soil Conservation Service) provided a map and map symbol index which indicate there is one area of prime agricultural land in the area of the proposed abandonment. See Exhibit C, fax dated June 18, 2007, from Mitch Krueger, District Conservationist, USDA/NRCS. The NRCS also indicates, via telephone conversation with Mitch Krueger, that the one area of prime agricultural land located in the area of the proposed abandonment is classified as upland prairie soil and the NRCS has no concerns with the proposed abandonment. Mr. Krueger can be reached at (573) 633-2211, ext. 3.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

The proposed abandonment may be suitable for alternative public use. As mentioned above, the City of Palmyra indicates, via telephone conversation with

Lauren Graham, Palmyra City Mayor, that there may be minimal interest in converting the rail line into a trail, and the City is interested in removing the overpass located at Milepost 14 42 so that the street underneath can be widened to two (2) lanes Mr Graham can be reached at (573) 769-2800

Also, as noted above, the MoDOT indicates it has no current plans for a highway relocation project at this time within the area of the existing railroad See Exhibit B, letter dated June 5, 2007, from Nathan Briggs, Right of Way Manager, Northeast District, Missouri Department of Transportation

(4) Energy:

(i) Describe the effect of the proposed action on transportation of energy resources

There are no known recoverable energy resources along the Line The trackage was taken out of service on March 15, 2006 due to a bad bridge and poor track conditions There is no overhead traffic to be rerouted and BNSF is aware of no potential for traffic over the line

(ii) Describe the effect of the proposed action on recyclable commodities

This abandonment will not adversely affect movement or recovery of recyclable commodities The trackage was taken out of service on March 15, 2006 due to a bad bridge and poor track conditions There is no overhead traffic to be rerouted and BNSF is aware of no potential for traffic over the line

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why

This abandonment will not result in an increase or decrease in overall energy efficiency as the trackage was taken out of service on March 15, 2006 due

to a bad bridge and poor track conditions. There is no overhead traffic to be rerouted and BNSF is aware of no potential for traffic over the line.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic as the trackage was taken out of service on March 15, 2006 due to a bad bridge and poor track conditions. There is no overhead traffic to be rerouted and BNSF is aware of no potential for traffic over the line.

(5) Air:

(i) If the proposed action will result in either

(A) An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

(B) An increase in rail yard activity of at least 100% (measured by carload activity), or

(C) An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not result in meeting or exceeding the specified thresholds.

Moreover, the action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as the trackage was taken out of service on March 15, 2006 due to a bad bridge and poor track conditions. There is no overhead traffic to be rerouted and BNSF is aware of no potential for traffic over the line.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic of more than 10% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The action will not result in meeting or exceeding the specified thresholds.

Moreover, the proposed abandonment will not result in an increase of rail or truck traffic as the trackage was taken out of service on March 15, 2006 due to a bad bridge and poor track conditions. There is no overhead traffic to be rerouted and BNSF is aware of no potential for traffic over the line.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and Freon) is contemplated, identify the materials and quantity; the frequency of service, safety practices (including any speed restrictions), the applicant's safety record (to the extent available) on derailments, accidents and spills, contingency plans to deal with accidental spills, and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise: If any of the thresholds identified in item (5) (i) of this section are surpassed, state whether the proposed action will cause

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

(7) Safety

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings)

This abandonment should have no adverse effect on health or public safety. There are two (2) public crossings and two (2) private crossings on the Line. During salvage operations, if any may be required, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(ii) If hazardous materials are expected to be transported, identify the materials and quantity, the frequency of service, whether chemicals are being transported that, if mixed, could react to form more hazardous compounds, safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills, the contingency plans to deal with accidental spills, and the likelihood of an accidental release of hazardous materials.

The abandonment will not result in the transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There is no known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way.

(8) Biological Resources:

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The U S Fish and Wildlife Service ("FWS") was notified by a letter dated May 22, 2007 See Exhibit D As of the date of this report, the FWS has not responded BNSF will provide the Board copies of any response it may receive

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects

The National Park Service ("Service") reviewed the project and indicates the project poses no conflicts with the Land and Water Conservation Fund or the Urban Park and Recreation Recovery programs See Exhibit E, letter dated June 25, 2007, from Robert Maydwell, Grants Management Assistant, Partnerships-Grants, National Park Service, U S Department of the Interior

The Bureau of Land Management ("BLM") indicates there are no Federal lands administered by the BLM along the railroad line The BLM also indicates that some of the original railroad grants were limited fee rights-of-way and may be subject to the Railroad Right-of-Way Forfeiture and Abandonment Act and the National Trails System Improvement Act See Exhibit F, letter dated May 30, 2007, from Marcia Sieckman, Supervisor, Lands and Renewable Resources Team, Milwaukee Field Office, Bureau of Land Management-Eastern States, U S Department of the Interior

(9) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards Describe any inconsistencies

The proposed exemption should be consistent with applicable Federal, State and local water quality standards The Missouri Department of Natural

Resources (MDNR) initially indicated the activities associated with the proposed abandonment will require a land disturbance storm water permit. See Exhibit G, letter dated August 22, 2007, from Curt B. Gately, Environmental Specialist IV, Missouri Department of Natural Resources. However, MDNR indicates, via a subsequent telephone conversation with Mr. Gately, that a land disturbance storm water permit will only be required if the abandonment will affect over one (1) acre of land. Mr. Gately can be reached at (573) 526-1155.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

The proposed abandonment should not require a Section 404 permit. The U.S. Army Corps of Engineers ("CORPS") indicates the project does not require a Section 404 permit provided the structural debris is disposed of in an upland non-wetland site. See Exhibit H, electronic correspondence dated July 26, 2007, from Gene W. Walsh, Project Manager, Enforcement Section, U.S. Army Corps of Engineers.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

A permit under Section 402 of the Clean Water Act may not be required for the proposed action.

The Environmental Protection Agency (EPA) recommends BNSI contact the MDNR regarding Section 402 and/or NPDES permits. The EPA also

indicates there are some underground storage tanks in the vicinity of the abandonment and recommends BNSF contact the MDNR regarding specific locations of the tanks. Finally, EPA notes "it does not appear that other significant conflicts will arise with regards to [BNSF's] project." See Exhibit I, electronic correspondence dated June 13, 2007, from Stephen Smith, NEPA Reviewer, USEPA Region VII.

As recommended by EPA, BNSF contacted MDNR in preparing these reports. As mentioned above, BNSF contacted the MDNR regarding Section 402 permits. The MDNR indicates, via telephone conversation with Curt Gately, Environmental Specialist IV, MDNR, that a land disturbance storm water permit will be required for the proposed abandonment only if the project will affect over one (1) acre of land. Mr. Gately also indicates underground storage tanks are not an issue for this project. Should any problems with the storage tanks arise, Mr. Gately recommends contacting the MDNR's hazardous waste division. Mr. Gately can be reached at (573) 526-1155.

(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

The project itself should mitigate the environmental effects of reinstating active rail operations.

II

HISTORIC REPORT (49 C.F.R. 1105.8)

Applicants hereby submit the following information required by

49 C.F.R. § 1105.8(d)

- (1) A U S G S topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action,*

The required topographic map is attached to this Report as Exhibit A

- (2) A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area,*

Palmyra, Missouri is a small bedroom community of 3,467 residents who live within its 2.2-square-mile boundary. Some Palmyra residents commute to the larger cities of Hannibal, MO, located 12 miles to the southeast, or Quincy, IL, located 17 miles to the northeast for jobs, shopping, entertainment and higher education. Palmyra is located at 39°47'51" North, 91°31'29" West in the Central time zone, at 640 feet above sea level. Seven miles west of the Mississippi River, it sits on a relatively flat natural rock foundation. It lies at the crossroads of north-south Interstate 24 and State Highway 168 that heads west to Shelbyville.

Palmyra is the seat of Marion County. Its industrial base includes manufacturing, electric services, retail operations, restaurants and other service industries. It is surrounded by rich farmland that produces corn,

soybeans, wheat and alfalfa.

The underlying real estate of the line to be abandoned totals 6.83 acres and is 78% non-reversionary and 22% reversionary. There were no federal grants involved in the original acquisition of the right-of-way. The right-of-way is generally 100 feet in width, with no extraneous parcels.

- (3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area.*

There is one (1) bridge and four (4) culverts located on the Line. BNSF is aware of no other structures on the property that are 50 years old or older. Photographs of the one (1) bridge are attached as Exhibits J-1—J-4.

Bridge 14.41 is a bridge in or near Palmyra. It is near Milepost 14.41. This bridge is 20 feet long, 8 feet high, and is a 19' open pile trestle bridge.

- (4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.*

Bridge 14.41 was built in 1903. It is unknown whether or not there has been significant alteration to the bridge structure since that time.

- (5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.*

Much of the right-of-way was originally acquired by warranty deed between 1854 and 1857 by the Hannibal & St. Joseph Railroad ("H&SJ"). The remainder was obtained through adverse possession and tacit permission in approximately 1900.

H&SJ was a predecessor to Chicago, Burlington & Quincy Railroad Company ("CB&Q"). In 1970, CB&Q merged with Great Northern Railway Company, Northern Pacific Railway Company, and Pacific Coast Railroad Company to become Burlington Northern Inc. The latter changed its name to Burlington Northern Railroad Company ("BNRR") in 1981. BNRR merged with The Atchison, Topeka and Santa Fe Railway Company in 1996 to become The Burlington Northern and Santa Fe Railway Company, which name was changed to BNSF Railway Company in January 2005.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic,

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities),

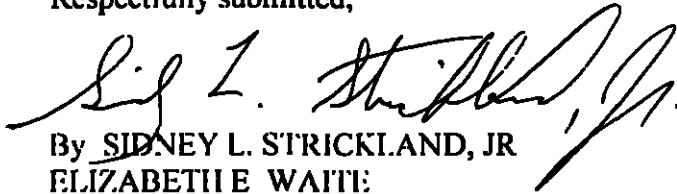
The Missouri Department of Natural Resources, State Historic Preservation Office, indicates BNSF provided adequate documentation under 36 CFR Section 800.11, and there will be "no historic properties affected" by the

current project ” See Exhibit J, letter dated September 24, 2007, from Mark A Miles, Deputy State Historic Preservation Officer, Missouri Department of Natural Resources, State Historic Preservation Office

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain

There are no known prior subsurface ground disturbance or fill, or any environmental conditions that might affect the archeological recovery of resources and the surrounding terrain

Respectfully submitted,



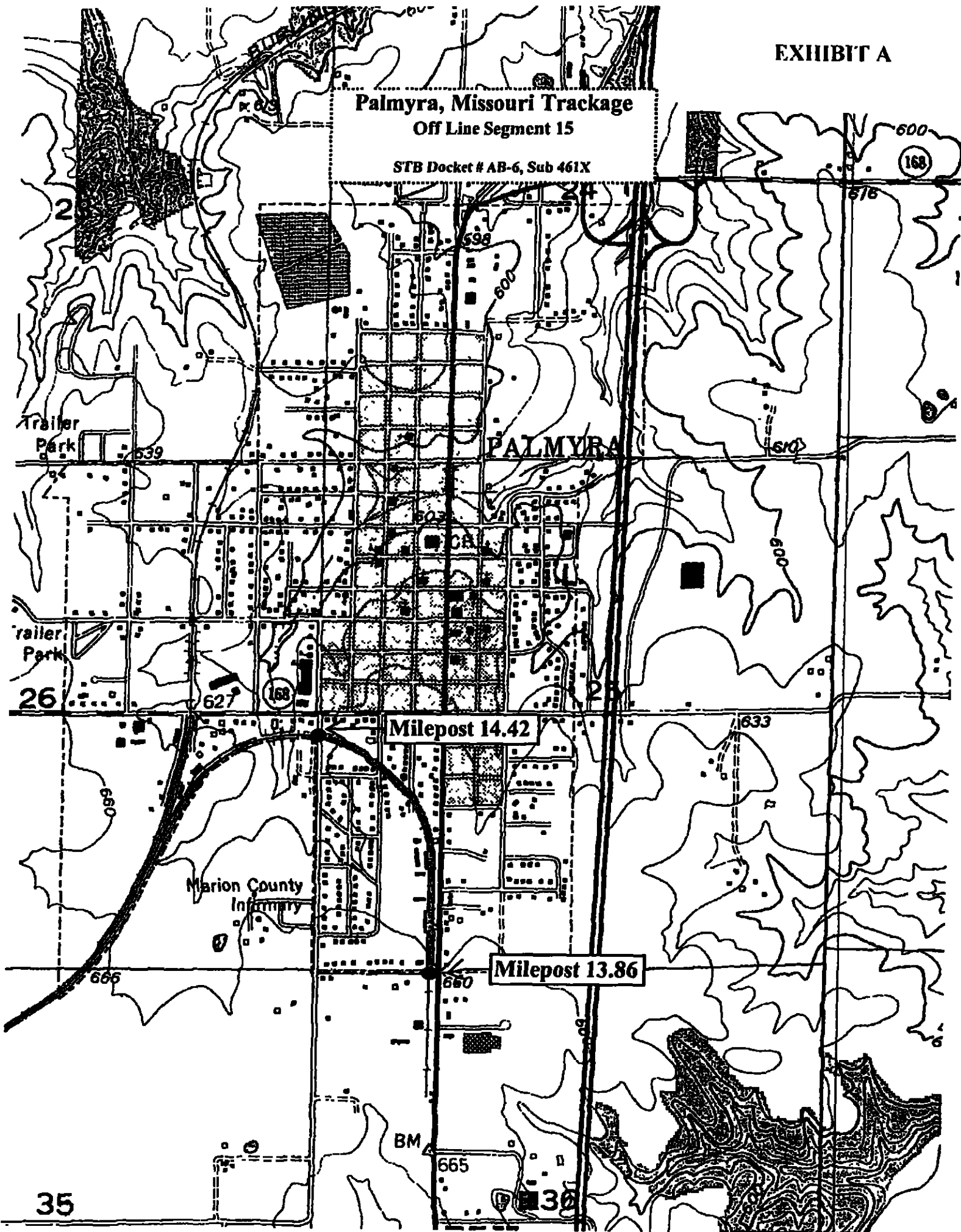
By SIDNEY L. STRICKLAND, JR
ELIZABETH E. WAITE
SIDNEY STRICKLAND AND ASSOCIATES
3050 K Street, N.W., Suite 101
Washington, DC 20007
(202) 338-1325
Attorneys for BNSF Railway Company

DATED November 28, 2007

EXHIBIT A

Palmyra, Missouri Trackage
Off Line Segment 15

STB Docket # AB-6, Sub 461X



**Missouri
Department
of Transportation**



Paula Gough, P.E., District Engineer

**Northeast District
P O Box 1067
South Route 61
Hannibal, MO 63401
(573) 248-2490
fax (573) 248-2497
Toll free 1-888 ASK MoDOT
www.modot.org**

EXHIBIT B

June 5, 2007

Sidney Strickland and Associates, PLLC
ATTN: Sidney L. Strickland, Jr
3050 K St N W, Suite 101
Washington, DC 20007-5108

Dear Mr. Strickland

I am in receipt of your letter dated May 22, 2007, regarding the Abandonment Exemption in Marion County, MO for the BNSF Railway Company. Thank you for contacting us in this regard and allowing us the opportunity to comment. Please note that the letter you initially sent was to the attention of Brad Wise in MoDOT's Kansas City office. It was forwarded to my attention since the area in question lies within this office's responsibility.

In checking with the Area Engineer for this area and the District Design Engineer, I learned that MoDOT has no current plans for a highway relocation project at this time within the area of the existing railroad. We appreciate the opportunity to provide comments regarding this abandonment.

Sincerely,

Nathan Briggs
Right of Way Manager

nb

P O Box 158
210 E Main St
Shelbyville, MO 63469-0158

Phone (573) 633-2211, EXT 3
Fax (573) 633-1406

USDA / NRCS-SWCD

Fax

EXHIBIT C

To: SIDEY L. STRICKLAND, JR. **From:** MITCH KRUEGER
DISTRICT CONSERVATIONIST

Fax: 202-295-3854 **Date:** JUNE 18, 2007

Phone: USDA/NRCS SHELBY COUNTY **Pages:** 5
573-633-2211 ext 3

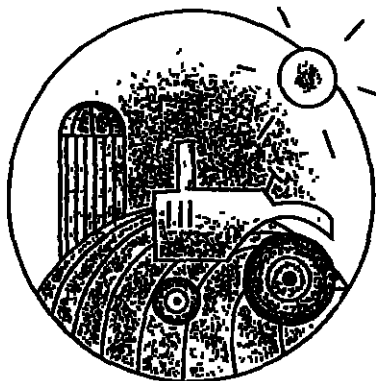
Re: Information as Requested **CC:** _____

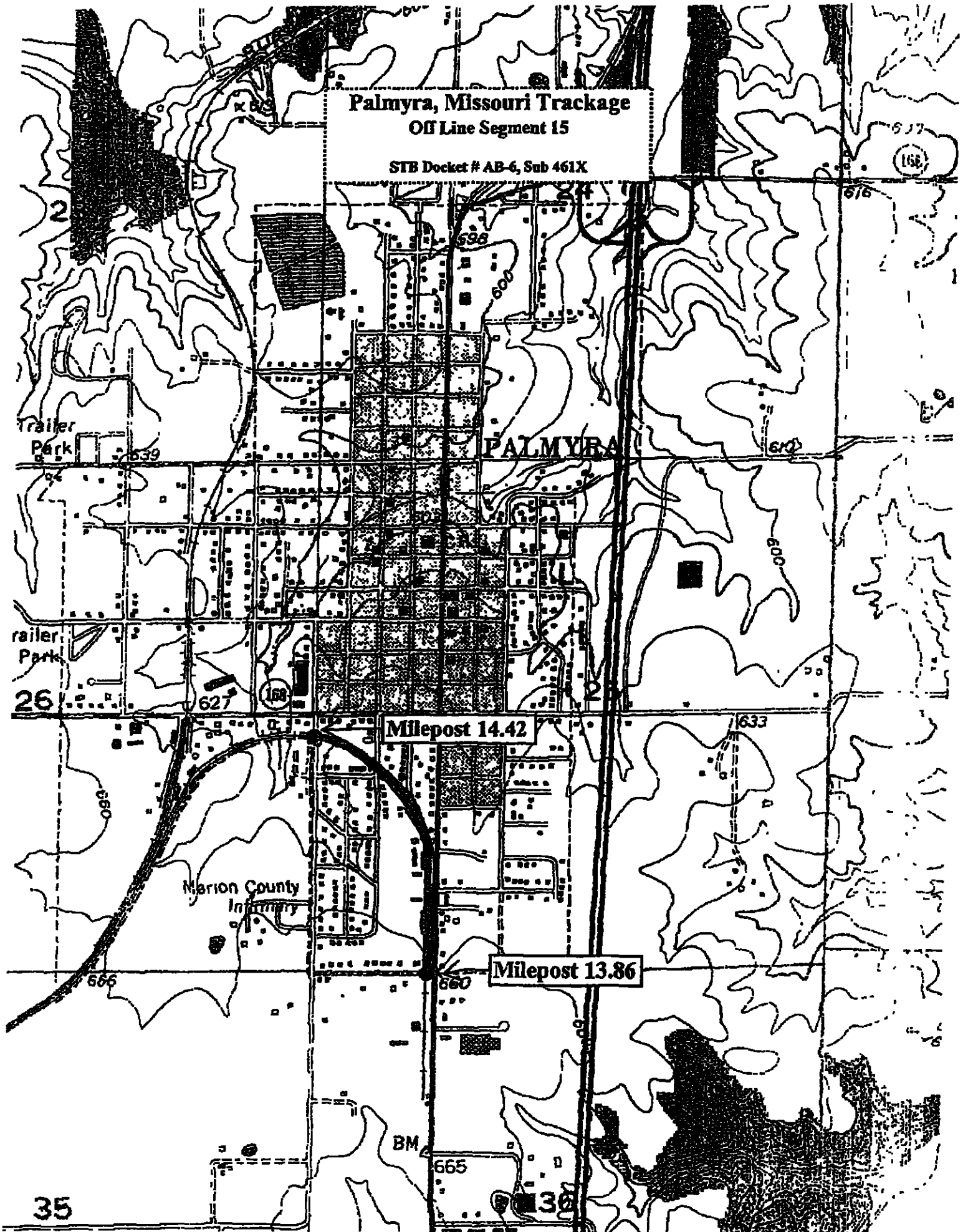
☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

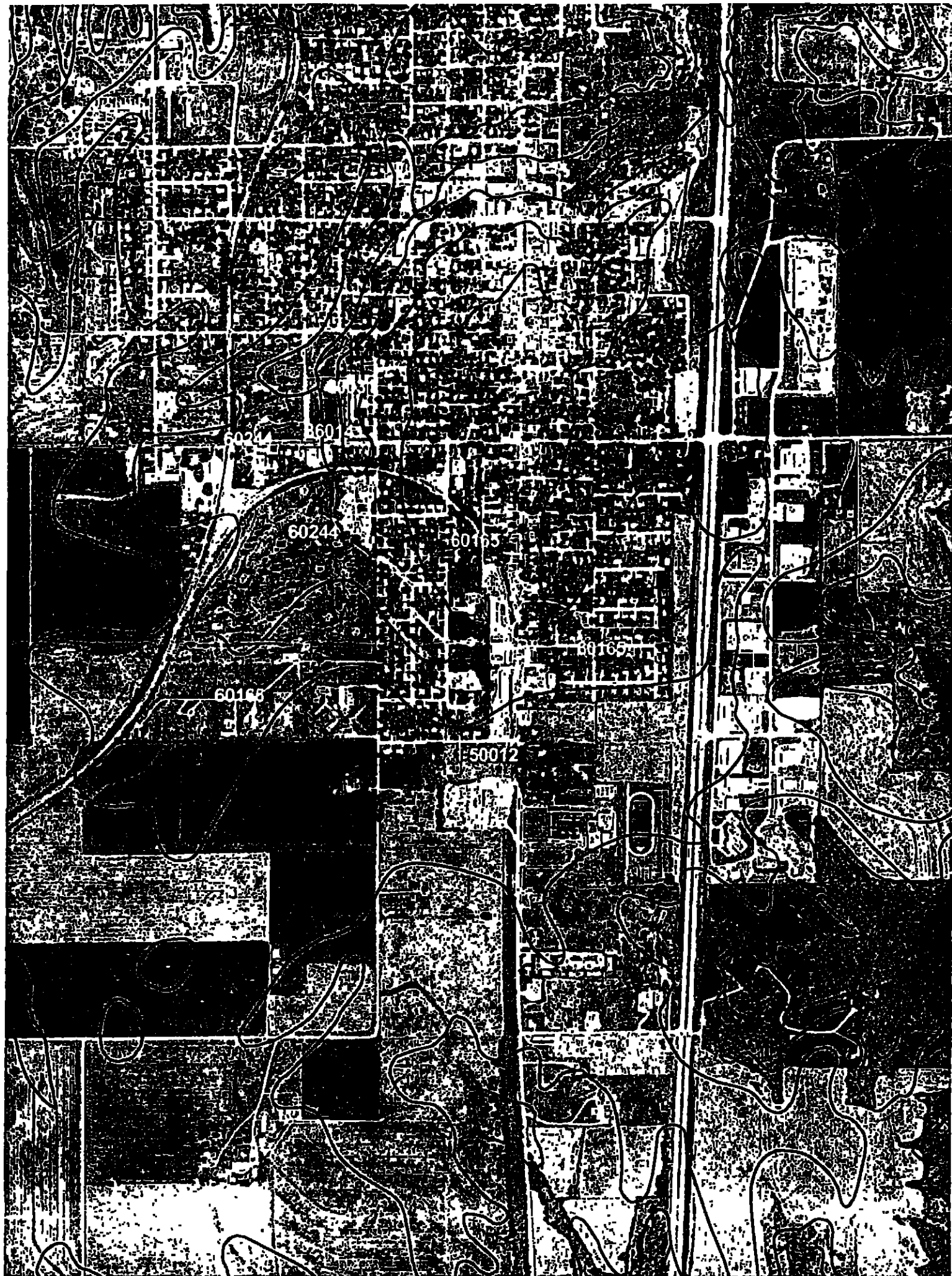
•Comment

Fax copy of the information requested. Hard copy to
follow by mail.

Mitch Krueger, DC







Marion County 06/28/07		Slope Percent			Erosion Factors					Hel		Hydric Condition	Hyd Group	Prime Farmland	Past and Hayland	ConsTree & Shrub	Native Vegetation	LCC	Prod Index
Map Symbol and Component Name	Low	High	RV	Kw	Kt	T	I	Ave L	Misprint										
10117--Sampsel	5	9	7	0.32	0.32	4	48	250	HEL		no	D	30	WCU		4	Grass/Prairie	3e	70
13505--Blackoak	0	2	2	0.32	0.32	5	56	38	HEL		no	D	30	WCU		4	Mixed/Transitional	2w	48.3
30039--Armstrong	9	14	12	0.32	0.32	3	56	98	HEL		no	C	30	CYU		1	Mixed/Transitional	4e	57
30050--Edina	5	9	7	0.32	0.32	3	56	151	HEL		no	C	30	CYU		4	Grass/Prairie	2w	82
30070--Gonn	5	9	7	0.32	0.32	3	56	151	HEL		no	C	30	CYU		4	Trees/limber	3e	82
30075--Gosport	9	14	12	0.32	0.32	3	56	151	HEL		no	D	30	CYU		4	Trees/limber	4e	84
30096--Kewick	9	14	12	0.32	0.32	3	56	151	HEL		no	C	30	CYU		4	Trees/limber	4e	84
30213--Vigar	2	5	4	0.28	0.28	5	56	135	PHL	2%		C	1	WLO		1	Grass/Prairie	2e	95
30214--Vigar	2	5	4	0.28	0.28	5	56	135	PHL	2%		C	1	WLO		1	Grass/Prairie	2e	95
34005--Gifford	0	2	1	0.32	0.32	5	48	157	NHEL	5%		B	3	WLO		1	Mixed/Transitional	2e	82
36014--Fatima	0	2	1	0.32	0.32	5	48	157	NHEL	5%		B	3	WLO		1	Trees/limber	3w	87
36023--Landess	0	2	1	0.32	0.32	5	48	157	NHEL	5%		B	3	WLO		1	Mixed/Transitional	2w	72
50001--Armstrong	5	9	7	0.32	0.32	3	56	98	HEL		no	C	30	CYU		1	Mixed/Transitional	3e	73
50012--Putnam	2	5	4	0.28	0.28	5	56	105	HEL		no	C	0	LYU		3	Trees/limber	6e	45
50020--Calwoods	2	5	4	0.28	0.28	5	56	105	HEL		no	C	0	LYU		3	Trees/limber	6e	45
50026--Gosport	5	9	7	0.32	0.32	3	48	141	HEL		yes	D	30	WCU		2	Grass/Prairie	2e	78
50034--Leonard	5	9	7	0.32	0.32	3	48	141	HEL		yes	D	30	WCU		2	Grass/Prairie	2e	78
50040--Lindley	20	35	28	0.32	0.32	5	56	105	HEL		no	C	0	LYU		3	Trees/limber	6e	45
50042--Lindley	20	35	28	0.32	0.32	5	56	105	HEL		no	C	0	LYU		3	Trees/limber	6e	45
50057--Putnam	1	4	2	0.49	0.49	3	56	200	PHL		yes	D	2	WCU		2	Grass/Prairie	2e	78
50059--Mexico, eroded	1	4	2	0.49	0.49	3	56	200	PHL		yes	D	2	WCU		2	Grass/Prairie	2e	78
54000--Charlton	5	9	7	0.32	0.32	3	48	138	HEL		yes	D	30	WCB		4	Mixed/Transitional	3e	78
54002--Gifford	5	9	7	0.32	0.32	3	48	138	HEL		yes	D	30	WCB		4	Mixed/Transitional	3e	78
56001--Popolous	9	14	11	0.37	0.37	5	48	98	HEL		no	B	30	LYU		3	Trees/limber	4e	83
60003--Menfro	2	5	3	0.43	0.43	3	56	151	PHL		no	D	1	WCU		1	Trees/limber	3e	76
60005--Menfro	2	5	3	0.43	0.43	3	56	151	PHL		no	D	1	WCU		1	Trees/limber	3e	76
60006--Marion	2	5	3	0.43	0.43	3	56	151	PHL		no	D	1	WCU		1	Trees/limber	3e	76
60031--Winfield	14	20	17	0.37	0.37	5	48	115	HEL		no	B	30	LYU		3	Trees/limber	4e	83
60036--Menfro	14	20	17	0.37	0.37	5	48	115	HEL		no	B	30	LYU		3	Trees/limber	4e	83
60112--Goss	20	30	25	0.2	0.43	3	48	151	HEL		no	C	0	LYU		3	Trees/limber	4e	83
60113--Goss	20	30	25	0.2	0.43	3	48	151	HEL		no	C	0	LYU		3	Trees/limber	4e	83
60165--Menfro	5	9	7	0.32	0.32	3	56	98	HEL		no	B	30	LYU		3	Trees/limber	4e	83
60168--Menfro	5	9	7	0.32	0.32	3	56	98	HEL		no	B	30	LYU		3	Trees/limber	4e	83
60213--Sampsel	2	5	3	0.37	0.37	3	48	226	PHL		yes	D	2	WCU		4	Grass/Prairie	2e	81
60218--Smileyville	2	5	3	0.37	0.37	3	48	226	PHL		yes	D	2	WCU		4	Grass/Prairie	2e	81
60234--Weller	2	5	3	0.37	0.37	3	48	226	PHL		yes	D	2	WCU		4	Grass/Prairie	2e	81
60244--Winfield	5	9	7	0.32	0.32	3	56	98	HEL		no	C	30	LYU		3	Trees/limber	4e	83
64017--Blase	0	2	1	0.43	0.43	5	56	98	NHEL		yes	C/D	2	WCB		2	Mixed/Transitional	3w	86
66000--Monteau	0	2	1	0.43	0.43	5	56	98	NHEL		yes	C/D	2	WCB		2	Mixed/Transitional	3w	86
66040--Kickapoo	0	2	1	0.43	0.43	5	56	98	NHEL		yes	C/D	2	WCB		2	Mixed/Transitional	3w	86
66058--Belknap	0	2	1	0.43	0.43	5	56	98	NHEL		yes	C/D	2	WCB		2	Mixed/Transitional	3w	86
66068--Carlow	0	2	1	0.43	0.43	5	56	98	NHEL		yes	C/D	2	WCB		2	Mixed/Transitional	3w	86
66075--Chequest	0	2	1	0.43	0.43	5	56	98	NHEL		yes	C/D	2	WCB		2	Mixed/Transitional	3w	86
75383--Cedargap	0	2	1	0.43	0.43	5	56	98	NHEL		yes	C/D	2	WCB		2	Mixed/Transitional	3w	86
99001--Water											na								
99003--Water/Miscellaneous											na								
99007--Dam											na								
99009--Udonthents											na								
99009--Pits	0	4	2								no		0				Mixed/Transitional	nr	nr

Marion County 05/29/07	Slope percent			Erosion Factors				Ave L	Hel Mapunit	Hydic Condition	Hyd Group	Prime Farmland	Past and Hayland	Constree & Shrub	Native Vegetation	LCC	Prod Index
Map Symbol and Component Name	Low	High	RV	Kw	Kt	T	I										

"Use these current values for Conservation Planning and Applications in Missouri Do not use the values in this table to make Highly Erodible Land (HEL) determinations For HEL use the "frozen" HEL list in the Field Office Technical Guide (FOTG).

RV-Representative Value or average value used in the county

Kw-Soil erodibility factor for the whole soil It is a relative value that is used to describe the resistance of a soil to detachment and transport by water Used in RUSLE2

Kt-Soil orodibility factor for the fine-earth fraction of the soil It is a relative value that is used to describe the resistance of a soil to detachment and transport by water Values in RUSLE were derived from this factor

T-Soil loss tolerance Maximum amount (Tons (T)) of annual erosion that can occur on the soil and still maintain a quality growth medium for plants

I-Wind Erodibility Index The index number indicates the amount of soil lost in tons per acre per year Used in the wind erosion equation (WEQ)

Ave L-Average Length (L) of slope Distance from the point of overland flow to the point of deposition or concentration Used in the USLE, RUSLE, and RUSLE2 office evaluations When used in RUSLE and RUSLE2, the value must be "ground truthed" on the next field visit and documented in the case file

HEL Mapunit-A soil map unit determination Calculated with frozen values on HEL list in FOTG

Hydric Condition-A soil map unit determination based on major component only

Hyd Group-hydrologic Group is a group of soils having similar runoff potential under similar storm and cover conditions Dual groups are given for certain wet soils that can be adequately drained

Prime Farmland-Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses

Farmland Codes 0-Not prime, 1-All prime, 2-prime if drained, 3-prime if protected from flooding or not frequently flooded during growing season, 4-prime if irrigated, 5-prime if drained and either protected from flooding or not frequently flooded during growing season, 6-prime if irrigated or drained, 7- prime if irrigated and either protected from flooding or not frequently flooded during growing season, 8-prime if subsoiled, completely removing the root inhibiting soil layer, 9-if irrigated and the product of "I" X "C" does not exceed 60, 10-if irrigated and reclaimed of excess salts and sodium, 30-Farmland of statewide importance, 50-Farmland of local importance, 70-Farmland of unique importance

Pasture and Hayland Suitability Groups are defined/described in the eFOTG Section II, B Statewide Soil and Site Information, 2 Forageland Groups (starting on page 7)

The Missouri Conservation Tree and Shrub Group Descriptions can be found in the eFOTG Section II, B Statewide Soil and Site Information, 1 Woodland, Excel spreadsheet entitled Conservation Tree and Shrub Suitability Groups (see the tab designated CTSG Descriptions)

SIDNEY STRICKLAND AND ASSOCIATES, PLLC

3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-295-3854

SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 22, 2007

Daniel Switzer
District Conservationist
Natural Resources Conservation Service
United States Department of Agriculture
Liberty Service Center
1 Victory Drive Suite 100
Liberty, MO 64068-1974

**Re: STB Docket No. AB-6 (Sub. No. 461X) BNSF Railway Company—Abandonment
Exemption — in Marion County, MO**

Dear Mr. Switzer:

BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority in the above docket to abandon 0.56 miles of railroad line between Milepost 13.86 and Milepost 14.42, near Palmyra in Marion County, Missouri.

The proposed abandonment may include the removal of the rails and ties, including any bridges, structures and crossings. BNSF bids its salvage packages out to independent contractors. The winning bidder will start work with the removal of the rails and metal parts of the track structure. Next the wooden ties will be removed and separated into second hand ties, landscape quality ties and scrap ties (which are disposed of at an appropriate site). The bridges and crossings as well as any other structures will be removed last. Culverts and the rail line embankment will stay intact so as not to alter the prevailing waterflows along the line. Any bridge pilings will be pulled out, cut off at ground level or broken off at or below the mud line. Steel bridges are dismantled and removed. If there are concrete abutments or piers involved, they may be left intact. BNSF salvage contractors are not permitted to place fills or other material in water bodies, including inland waterways. Contractors are also required to limit their activities to the width of the right-of-way. When the salvage process is complete, waterflows in the area should not be disrupted.

As part of the environmental report, BNSF needs to know whether or not the proposed abandonment will have any effect on prime agricultural lands.

For your reference, I have enclosed a map of the above referenced railroad line. Please provide this information to me by June 19, 2007. If you have any questions, do not hesitate to contact me at (202) 338-1325.

Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.

Enclosures
SLS/cac

Reference

Facsimile Transmission Sheet	SIDNEY STRICKLAND AND ASSOCIATES, PLLC 3050 K ST. N.W., SUITE 101 WASHINGTON, DC 20007-5108 TELEPHONE: 202-338-1325 FAX: 202-295-3854
To: Mitch Krueger Fax Number: (573) 769-4466	
Date: 5/31/07	
From: Liz Waite (202) 338-1325, liz.waite@stricklandpllc.com	
Comments: Attached is the letter we discussed during our telephone conversation. Your assistance with this matter is appreciated! Please call if you have any questions. Liz Waite	

SIDNEY STRICKLAND AND ASSOCIATES, PLLC

3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-295-3854

EXHIBIT D

SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 22, 2007

Charlie Scott
Field Supervisor
Region 3
Fish and Wildlife Service
U S Department of the Interior
101 Park DeVille Drive, Suite A
Columbia, MO 65203-0057

***Re. STB Docket No. AB-6 (Sub. No. 461X) BNSF Railway Company—Abandonment
Exemption – in Marion County, MO***

Dear Mr. Scott

BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority in the above docket to abandon 0.56 miles of railroad line between Milepost 13.86 and Milepost 14.42, near Palmyra in Marion County, Missouri.

The proposed abandonment may include the removal of the rails and ties, including any bridges, structures and crossings. BNSF bids its salvage packages out to independent contractors. The winning bidder will start work with the removal of the rails and metal parts of the track structure. Next the wooden ties will be removed and separated into second hand ties, landscape quality ties and scrap ties (which are disposed of at an appropriate site). The bridges and crossings as well as any other structures will be removed last. Culverts and the rail line embankment will stay intact so as not to alter the prevailing waterflows along the line. Any bridge pilings will be pulled out, cut off at ground level or broken off at or below the mud line. Steel bridges are dismantled and removed. If there are concrete abutments or piers involved, they may be left intact. BNSF salvage contractors are not permitted to place fills or other material in water bodies, including inland waterways. Contractors are also required to limit their activities to the width of the right-of-way. When the salvage process is complete, waterflows in the area should not be disrupted.

As part of the environmental report, BNSF needs to know whether or not there are any endangered or threatened species, wildlife sanctuaries or refuges or areas designated as critical habitat adjacent to or near the line and if so, what effects the proposed action may have.

For your reference, I have enclosed a map of the above referenced railroad line. Please provide this information to me by June 19, 2007. If you have any questions, do not hesitate to contact me at (202) 338-1325.

Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.

Enclosures
SLS/cac



United States Department of the Interior

National Park Service

Midwest Region
611 Riverfront Drive
Omaha Nebraska 68102-4226



650 2(MWR-P/G)

EXHIBIT E

Mr Sidney L Strickland, Jr
Sidney Strickland and Associates, PLLC
3050 K St N W Suite 101
Washington, DC 20007-5108

JUN 25 2007

Dear Mr Strickland

This is in response to your May 22, 2007, request that the National Park Service respond to STB Docket No AB-6 (Sub No 461X) BNSF Railway Company Abandonment Exemption in Marion County, Missouri

We have reviewed this project in relation to any possible conflicts with the Land and Water Conservation Fund and the Urban Park and Recreation Recovery programs and find there are none Accordingly, we have no additional comments at this time

You may contact me at (402) 661-1546 if you have questions or need more information.

Sincerely,

Robert Maydwell
Grants Management Assistant
Partnerships- Grants



United States Department of the Interior

Bureau of Land Management-Eastern States

Milwaukee Field Office

626 E. Wisconsin Avenue, Suite 200

Milwaukee, Wisconsin 53202-4617



IN REPLY REFER TO
2000(036)

May 30, 2007

Mr Sidney Strickland and Associates, PLLC
3050 K St N W, Suite 101
Washington, DC 20007-5108

RE STB Docket No AB-6 (Sub No. 461X) BNSF Railway Company – Abandonment
Exemption – in Marion County, MO

Dear Mr Strickland

This is in response to your letter of May 22, 2007, to our office concerning the proposal by the Burlington Northern and Santa Fe Railway Company (BNSF) to abandon 0.56 miles of railroad line between Milepost 13.86 and Milepost 14.42, near Palmyra in Marion County, Missouri.

A search of our records shows there are no Federal lands administered by the Bureau of Land Management along the railroad line. However, please be aware that some of the original railroad grants were limited fee rights-of-way and may be subject to the Railroad Right-of-Way Forfeiture and Abandonment Act of March 8, 1922, 43 U.S.C. § 912 (the 1922 Abandonment Act), and the National Trails System Improvement Act of October 4, 1988, Public Law 100-470, 16 U.S.C. § 1248 (c) - (f).

Thank you for giving us the opportunity to comment on this proposal. Our office does not have information on the location of wildlife refuges, state or national parks, state or national forests in the immediate vicinity. You must contact the Fish and Wildlife Service, National Park Service, National Forest Service and State offices to obtain this information. If you require additional information, please contact me at (414) 297-4402.

Sincerely,

Marcia Sieckman
Supervisor, Lands and Renewable Resources Team

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Matth Blunt, Governor • Doyle Childers, Director

www.dnr.mo.gov

August 22, 2007

Sidney Strickland
Sidney Strickland and Associates, PLLC
3050 K Street NW, Suite 101
Washington, DC, 20007-5108

Dear Mr. Strickland,

This letter is in response to your letter, dated May 22, 2007, in which you requested information about NPDES permit requirements for removal of a rail line. The activities you describe will require a land disturbance storm water permit. Please complete the enclosed Forms E & G and submit them with the \$300 permit fee to:

MNDR Northeast Regional Office
1709 Prospect Dr., Suite A
Macon, MO 63552

You also requested copies of maps of the area indicating the 100-year flood plain. Such maps are prepared by the U.S. Army Corps of Engineers. I suggest you contact one of their offices to make such a purchase. The Water Protection Program does not sell these maps.

I apologize that this response was not more timely, I received this letter on my desk on August 21, 2007.

Sincerely,

WATER PROTECTION PROGRAM



Curt B. Gateley,
Environmental Specialist IV

CBG:ns

Enclosure



MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM, WATER POLLUTION BRANCH
(SEE MAP FOR APPROPRIATE REGIONAL OFFICE)
FORM E - APPLICATION FOR GENERAL PERMIT
UNDER MISSOURI CLEAN WATER LAW

FOR AGENCY USE ONLY

CHECK NUMBER

DATE RECEIVED

FEE SUBMITTED

1 00 CATEGORY OF GENERAL PERMIT APPLIED FOR

1 10 IS THIS FOR A STORM WATER ONLY DISCHARGE PERMIT

☐ YES ☐ NO

1 20

☐ a This facility is now in operation under Missouri Operating Permit Number (NPDES) MO - _____ OR

☐ b This is a new permit

2 00 NAME OF FACILITY

2 10 ADDRESS (PHYSICAL) STREET CITY STATE ZIP CODE

3 00 OWNER

NAME EMAIL ADDRESS PHONE
FAX
ADDRESS STREET CITY STATE ZIP CODE

4 00 CONTINUING AUTHORITY

NAME PHONE
FAX
ADDRESS STREET CITY STATE ZIP CODE

5 00 OPERATOR

NAME TELEPHONE NUMBER

6 00 FACILITY CONTACT

NAME PHONE
FAX
TITLE

7 00 FOR EACH OUTFALL GIVE THE LEGAL DESCRIPTION (ATTACH ADDITIONAL SHEETS AS NECESSARY)

Outfall Number _____ 1/4 _____ 1/4 Sec _____ T _____ R _____ County
Outfall Number _____ 1/4 _____ 1/4 Sec _____ T _____ R _____ County
Outfall Number _____ 1/4 _____ 1/4 Sec _____ T _____ R _____ County

7 10 FOR EACH OUTFALL LIST THE NAME OF THE RECEIVING WATER

Outfall Number _____ Receiving Water _____
Outfall Number _____ Receiving Water _____
Outfall Number _____ Receiving Water _____

7 20 BRIEFLY DESCRIBE THE NATURE OF YOUR BUSINESS

7 30 Does the discharge(s) for which you are seeking a permit discharge to a combined sewer system? ☐ YES ☐ NO

7 40 Primary SIC Code _____

7 50 If this application is for a storm water permit, list any materials that are stored outside and exposed to storm water

7 60 Attach a USGS 1" = 2000' scale map showing the location of the facility in relation to the local road system. Indicate on the map the facility, the receiving stream, the points of discharge, and the map section, township and range

7 70 If this is an existing discharge, submit a summary of pollutants that have been analyzed in the past two years

7 80 What is the source of your drinking water?

7 90 What is the method of domestic wastewater disposal?

8 00 I certify that I am familiar with the information contained in the application, that to the best of my knowledge and belief such information is true, complete and accurate, and if granted this permit, I agree to abide by the Missouri Clean Water Law and all rules, regulations, orders and decisions, subject to any legitimate appeal available to applicant under the Missouri Clean Water Law, of the Missouri Clean Water Commission

A NAME AND OFFICIAL TITLE (TYPE OR PRINT)

B PHONE NO (AREA CODE & NO)

C SIGNATURE

D DATE SIGNED

INSTRUCTIONS

This form must be submitted with the application fee (listed below). Persons with more than one (1) operating location shall obtain a general permit for each location unless other permitting arrangements are allowed by the terms of the general permit. Where multiple discharge points exist at a single operating location, one (1) application may cover all the applicable discharges. If there are any questions concerning this form, please contact the appropriate regional office (see map).

Fees Land Disturbance (Form G must be included) - \$300 (due at application time only)

Ag Chem Fertilizer/Pesticide - \$50 due with application for new permits, \$50/year while permit is in effect, no fee required with renewal application

Concentrated Animal Feeding Operation (CAFO) - \$150 (due at application time only)

General Permit - Other (ex. Motor Vehicle Salvage, Limestone Quarry, Petroleum Storage) - \$150 due with application for new permits and each year until expiration, \$60/year thereafter, no fee required with renewal application

1 00 Please give the name of the specific general permit that you are applying for. Example: Land Disturbance, Motor Vehicle Salvage, etc. If you are unsure about the specific name for the general permit, contact the Water Protection Program, Water Pollution Branch at (573) 751-6825.

1 10 If the application is for a permit to discharge storm water only, please check yes. If the discharge for which you are seeking a permit includes industrial process or waste water discharges, please check no.

1 20 Fill out either item (a) or item (b) as applicable.

2 00 Name of facility - by what name is this facility known locally? Example: Southwest Sewage Treatment Plant, Oak Hill Mobile Home Park, etc.

2 10 Give the street address of the facility. If the facility lacks a mailing address, give an accurate geographic description (ex. Intersection of Route A and M).

3 00 Owner - legal name and address of owner.

4 00 Continuing Authority - permanent organization which will serve as the continuing authority for the operation, maintenance and modernization of the facility.

5 00 Operator - name, certificate number of person operating the facility.

6 00 Give name of person at the facility that can be contacted by the department if necessary.

7 00 An outfall is the point(s) at which wastewater is discharged. For storm water this may be the point(s) where water leaves the property. Outfalls should be given in terms of the legal description of the facility. Sufficient information should be submitted so the outfall may be located by department staff.

7 10 Receiving stream(s) - the name of the stream(s) to which the discharge is directed and any subsequent tributary until a lake or continuous flowing stream is reached.

7 20 Describe the primary business conducted at this site.

7 30 A combined sewer system is one in which the sanitary and storm sewers are one pipe. In Missouri, parts of Macon, Moberly, Cape Girardeau, St. Joseph, Kansas City, Sedalia, and all of the city of St. Louis are on combined sewer systems. To find out, consult with your municipal public works department or, if in St. Louis, the St. Louis Metropolitan Sewer District (MSD). If this discharge is to a combined sewer system, it is exempt from storm water permitting requirements. You do not need to file this application if it is for storm water discharges only.

7 40 List only your primary SIC code. The Standard Industrial Classification (SIC) system was devised by the U.S. Office of Management and Budget to cover all economic activities. The primary SIC code is that of the operation that generates the most revenue, or, secondly, employs the most personnel. To find the correct SIC code, contact the Missouri Department of Natural Resources (573-526-6627) or refer to the following web sites: <http://www.census.gov/epcd/www/naicslab.htm> or <http://www.osha.gov/pls/mis/sicsearch.html>.

7 50 Please list anything stored outside, including wood pallets, empty storage barrels, waste disposal containers (except for a secured Dempsey dumpster) or anything that is a raw material, by-product, or product of your manufacturing activities.

If your facility is listed under any of the following SIC codes or major group codes and you can certify that no materials are stored outside, then you are exempt from storm water permitting requirements. You do not need to file this application if it is for storm water discharges only. This information refers to the first two, first three, or all four numbers of your SIC code listed in 7 40 above. The SIC codes that are exempt from regulations if no materials are stored outside are 20xx-23xx, 25xx, 265x, 267x, 27xx, 283x, 285x, 30xx, 31xx, 323x, 34xx-39xx, and 4221-4225.

7 60 A map showing the facility in relation to the local roads and receiving streams is required. Attach a 1" = 2000' scale USGS topographic map that can be obtained from the department's Geological Survey & Resource Assessment Division in Rolla, MO (573) 368-2125.

7 70 If this is an existing discharge, submit a list of the pollutants that have been analyzed in the past two years and any laboratory findings.

7 80 Give the source of your drinking water, identify the future supply if the site is currently undeveloped. If public supply, give name. If private supply, indicate type of well(s): individual, multi-family or public. If other, please describe.

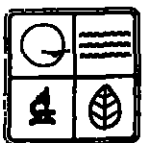
7 90 Give the method of domestic wastewater disposal, identify the future method if the site is currently undeveloped. If public sewers, give name of sewer agency. If private system with a State Operating Permit, give name of facility and permit number. If other, please describe.

8 00 Signature - all applications must be signed as follows and the signature must be original.

a For a corporation, by an officer having responsibility for the overall operation of the regulated facility or activity or for environmental matters.

b For a partnership or sole proprietorship, by a general partner or the proprietor.

c For a municipal, state, federal, or other public facility, by either a principal executive officer or by an individual having overall responsibility for environmental matters at the facility.



MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM, WATER POLLUTION BRANCH
(SEE MAP FOR APPROPRIATE REGIONAL OFFICE)

**FORM G — APPLICATION FOR STORM WATER PERMIT (FORM E MUST BE INCLUDED)
UNDER THE GENERAL PERMIT: LAND DISTURBANCE**

1	NAME OF DEVELOPMENT
2	PHASE (INDICATE PHASE I, II & SO FORTH, IF APPLICABLE)
3	NATURE OF CONSTRUCTION ACTIVITY
4	PHYSICAL LOCATION OF DEVELOPMENT (ADDRESS IF ASSIGNED)
5	DATE CONSTRUCTION IS TO BEGIN
6	TOTAL AREA OF SITE _____ ACRES
7	TOTAL AREA OF LAND TO BE DISTURBED _____ ACRES
8	<p>IS A DEPARTMENT OF NATURAL RESOURCES-APPROVED EROSION CONTROL PLAN OPERATIVE IN THE CITY OR THE UNINCORPORATED AREA OF THE COUNTY IN WHICH THE LAND DISTURBANCE IS OCCURRING?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>IF YES, A LETTER OF APPROVAL OR A COPY OF A PERMIT FROM THE LOCAL AUTHORITY IS REQUIRED AND MUST BE ENCLOSED FOR THE PERMIT TO BE ISSUED</p> <p><input type="checkbox"/> PLEASE CHECK IF ENCLOSED</p>
9	<p>HAS A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) BEEN DEVELOPED FOR THIS SITE? (THIS PLAN MUST BE DEVELOPED IN ACCORDANCE WITH REQUIREMENTS & GUIDELINES SPECIFIED WITHIN THE GENERAL PERMIT FOR STORM WATER DISCHARGES FROM LAND DISTURBANCE ACTIVITIES THE APPLICATION WILL BE CONSIDERED INCOMPLETE IF THE SWPPP HAS NOT BEEN DEVELOPED PLEASE DO NOT ENCLOSE A COPY OF THE PLAN A COPY OF THE SWPPP MAY BE REQUESTED BY THE DEPARTMENT AT ANY TIME)</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
10	<p>SUMMARIZE THE MEASURES (BEST MANAGEMENT PRACTICES) FROM THE SWPPP THAT WILL BE USED TO CONTROL POLLUTANTS IN STORM WATER DISCHARGES DURING CONSTRUCTION</p> <p>_____</p> <p>_____</p>
11	<p>SUMMARIZE BEST MANAGEMENT PRACTICES FROM THE SWPPP THAT WILL REMAIN IN PLACE ONCE CONSTRUCTION OPERATIONS HAVE BEEN COMPLETED</p> <p>_____</p> <p>_____</p> <p>_____</p>
12	<p>DESCRIBE THE NATURE OF THE FILL MATERIAL</p> <p>_____</p> <p>_____</p>
13	ATTACH ANY EXISTING DATA CONCERNING SOIL AND/OR QUALITY OF THE DISCHARGE

14 ESTIMATE OF RUNOFF COEFFICIENT OF SITE <u>0</u>	
15 ESTIMATE OF INCREASE IN IMPERVIOUS AREA <u>+</u> <u>%</u>	
16 ESTIMATE OF RUNOFF COEFFICIENT UPON COMPLETION <u>0.</u>	
17 IS THE LAND DISTURBANCE WITHIN 1,000 FEET OF <input type="checkbox"/> WATER CLASSIFIED IN 10 CSR 20-7 031 WATER QUALITY STANDARDS AS A PUBLIC DRINKING WATER SUPPLY LAKE (L ₁), OUTSTANDING NATIONAL OR STATE RESOURCE WATERS, OR STREAMS DESIGNATED FOR COLD-WATER SPORT FISHERY, <input type="checkbox"/> STREAMS, LAKES, OR RESERVOIRS IDENTIFIED AS CRITICAL HABITAT FOR ENDANGERED SPECIES AS DETERMINED BY MISSOURI DEPARTMENT OF CONSERVATION AND U.S. FISH AND WILDLIFE SERVICE, OR <input type="checkbox"/> ANY LAKE IN THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S CLEAN LAKES PROGRAM? <input type="checkbox"/> YES <input type="checkbox"/> NO	
18 IS THE LAND DISTURBANCE WITHIN 100 FEET OF WATERS CLASSIFIED AS MAJOR RESERVOIRS (L ₂) OR PERMANENT FLOW STREAMS (P), EXCEPT THE MISSOURI AND MISSISSIPPI RIVERS, OR WITHIN TWO STREAM MILES UPSTREAM OF BIOCRITERIA REFERENCE LOCATIONS AS DEFINED IN 10 CSR 20, CHAPTER 7? <input type="checkbox"/> YES <input type="checkbox"/> NO	
19 IS ANY PART OF THE AREA THAT IS BEING DISTURBED DISCHARGING TO A JURISDICTIONAL WATER OF THE UNITED STATES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, HAVE YOU RECEIVED A CWA, SECTION 404 PERMIT FOR THIS SITE FROM THE UNITED STATES ARMY CORPS OF ENGINEERS? (THE PERMIT CANNOT BE ISSUED UNTIL THE SITE IS UNDER A 404 OR NATIONWIDE GENERAL PERMIT IF ONE IS REQUIRED) <input type="checkbox"/> YES <input type="checkbox"/> NO	
20 DOES THE STORM WATER RUNOFF DISCHARGE TO A SINKHOLE, LOSING STREAM, OR ANY OTHER TOPOGRAPHICAL FEATURE THAT WOULD BE A DIRECT CONDUIT TO GROUND WATER? <input type="checkbox"/> YES <input type="checkbox"/> NO	
21 I CERTIFY THAT I AM FAMILIAR WITH THE INFORMATION CONTAINED IN THE APPLICATION, THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF SUCH INFORMATION IS TRUE, COMPLETE AND ACCURATE, AND IF GRANTED THIS PERMIT, I AGREE TO ABIDE BY THE MISSOURI CLEAN WATER LAW AND ALL RULES, REGULATIONS, ORDERS AND DECISIONS, SUBJECT TO ANY LEGITIMATE APPEAL AVAILABLE TO AN APPLICANT UNDER THE MISSOURI CLEAN WATER LAW OF THE MISSOURI CLEAN WATER COMMISSION	
NAME AND OFFICIAL TITLE	TELEPHONE NUMBER (AREA CODE AND NO)
SIGNATURE	DATE SIGNED
NOTE ► THIS FORM MUST BE SUBMITTED WITH THE PERMIT FEE (\$300), MAP, AND FORM E (APPLICATION FOR A GENERAL PERMIT)	

EXHIBIT H

Classification: UNCLASSIFIED

Caveats: NONE

Mr. Strickland,

Our office received a copy of a letter which you sent to the Kansas City District of the U.S. Army Corps of Engineers regarding the abandonment of 0.56 miles of railroad between Milepost 13.86 and Milepost 14.42 in Marion County, Missouri.

We determined the project does not require a Section 404 permit provided the structural debris is disposed to an upland non-wetland site. The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision.

You are advised that the determination for this project is valid for five years from the date of this letter. If the project is not completed within this five-year period or the project plan change, you or your client should contact our office for another determination.

Should you have any questions, please contact our Regulatory Branch by letter, or telephone me at 309/794-5674.







Gene W. Walsh
Project Manager
Enforcement Section

Classification: UNCLASSIFIED

Caveats: NONE

SECRET

[Home](#) [Compose](#) [Address Book](#) [Options](#) [Logout](#)

-  **Inbox** (2)
-  **Drafts**
-  **Deleted Items**
-  **Sent**
-  **More More More Sent**
-  **More More Sent**
-  **More Sent**
-  **Scheduled**

Message

Delete*

☐ **Delete permanently**

Move to Deleted Item:

[illegible]

Attachments:pic06708.gif pic23946.gif pic29958.gif pic26632.gif

Reply

Reply All

Forward

InLine Text

Previous

Dear Mr Strickland,

This letter responds to your May 22, 2007 consultation request regarding the abandonment of 0.56 miles of railroad line in Palmyra, Missouri. In evaluating this action, I referred to EPA Region 7's SiteMapper database for spatial relationships of environmentally regulated facilities and remediation sites. Through this evaluation (see below), it appears that there are some underground storage tanks in the vicinity, and recommend you consult with the Missouri Department of Natural Resources (MDNR) regarding the specific locations of those tanks. However, it does not appear that other significant conflicts will arise with regards to your project.

Furthermore, your question regarding the necessity of Section 402 and/or NPDES permits is one more properly referred to MDNR

Thank you for including EPA in your coordination efforts. If additional assistance is required, please contact me at (913) 551-7656 or at smith.stephenk@epa.gov

Stephen Smith
USEPA Region VII
NEPA Reviewer

Region 7
SiteMapper |

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(Embedded image moved
to file pic23946.gif) |

||
| NOTE The Environmental Protection Agency does not guarantee the
accuracy, completeness, or timeliness of the information shown, and
shall |
| not be liable for any loss or injury resulting from reliance upon the
information shown |

(Embedded image moved to file pic29958.gif) Legend |

(Embedded image moved to file pic26632.gif) EPA Region 7 Logo |

REGION 7 |

ENSV Division |

6-13-2007 |

[Add Folder](#)

[Edit Folder](#)

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Search all folders

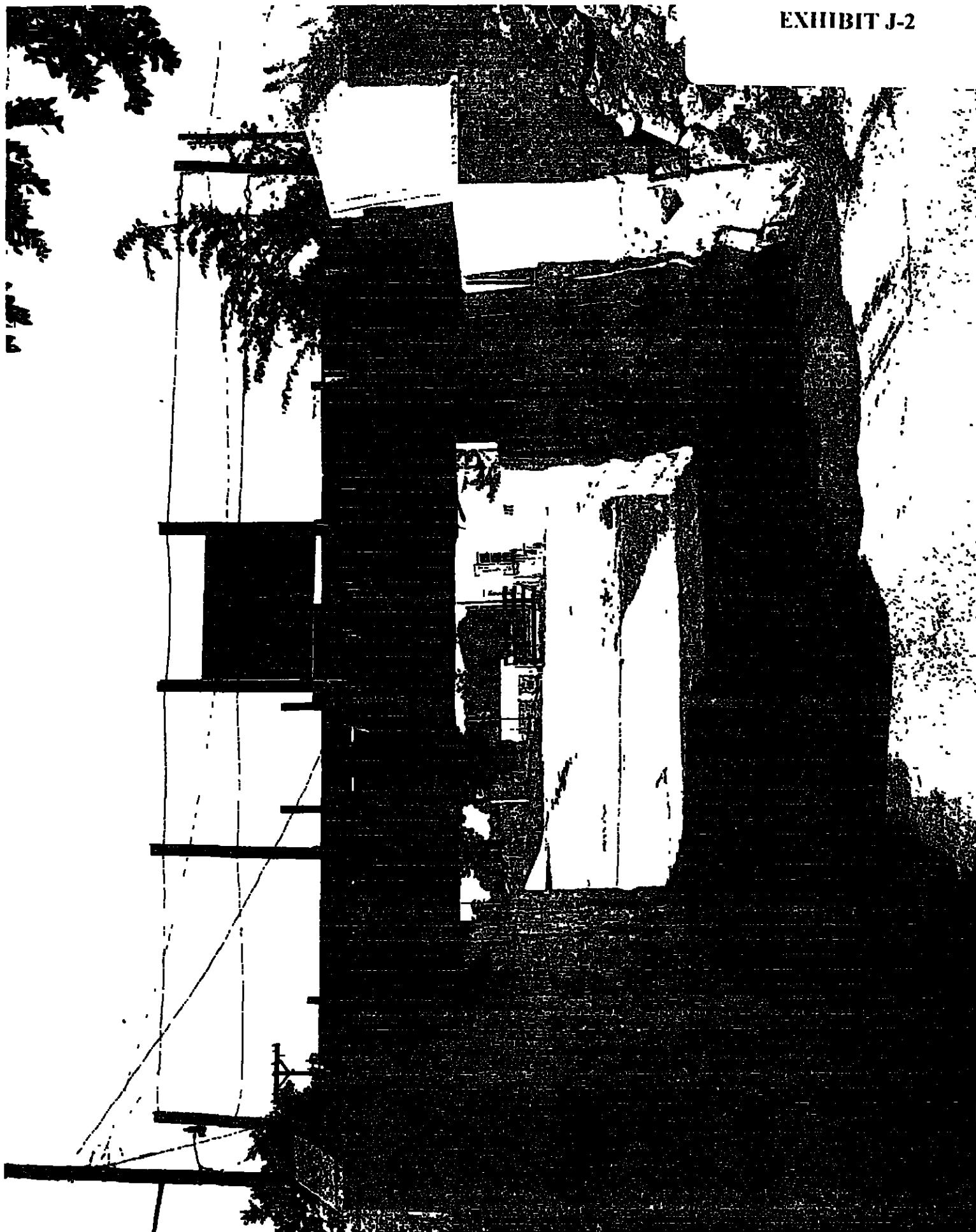
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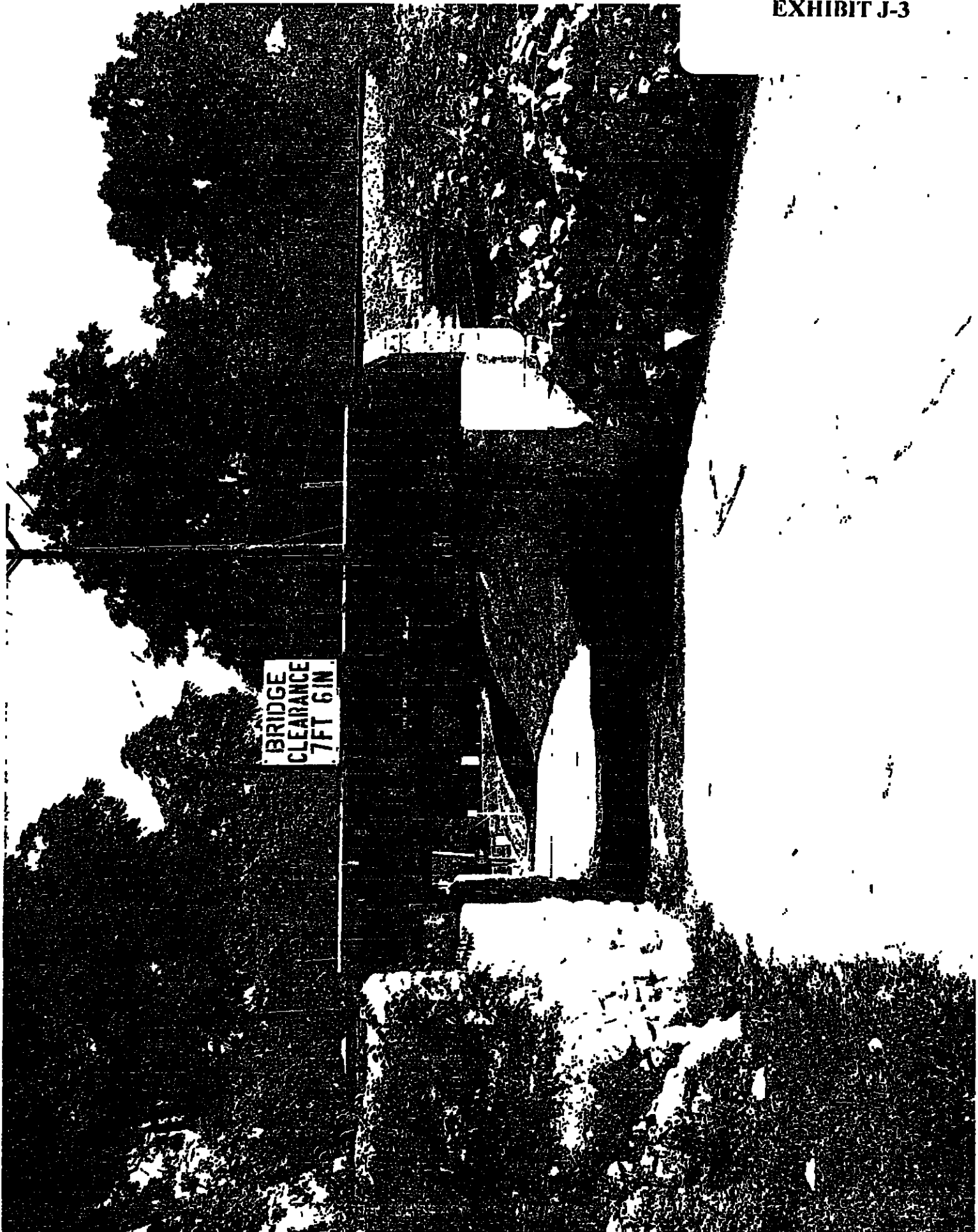
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**CULTURAL RESOURCE ASSESSMENT
Section 106 Review****CONTACT PERSON/ADDRESS****C:**

Sidney L. Strickland, Jr
Disney Strckland and Associates, PLLC
3050 K St NW, Suite 101
Washington, DC 20007-5108

PROJECT:

BNSF Railway Company Abandonment, STB Docket No AB-6 (Sub No 461X)

FEDERAL AGENCY

FHWA

COUNTY:

MARION

The State Historic Preservation Office has reviewed the information submitted on the above referenced project. Based on this review, we have made the following determination:

☐

After review of initial submission, the project area has a low potential for the occurrence of cultural resources. A cultural resource survey, therefore, is not warranted.

☒

Adequate documentation has been provided (36 CFR Section 800.11). There will be "no historic properties affected" by the current project.

☐

An adequate cultural resource survey of the project area has been previously conducted. It has been determined that for the proposed undertaking there will be "no historic properties affected."

For the above checked reason, the State Historic Preservation Office has no objection to the initiation of project activities. PLEASE BE ADVISED THAT, IF THE CURRENT PROJECT AREA OR SCOPE OF WORK ARE CHANGED, A BORROW AREA IS INCLUDED IN THE PROJECT, OR CULTURAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, APPROPRIATE INFORMATION MUST BE PROVIDED TO THIS OFFICE FOR FURTHER REVIEW AND COMMENT. Please retain this documentation as evidence of compliance with Section 106 of the National Historic Preservation Act, as amended.

By: Mark A. Miles
Mark A. Miles, Deputy State Historic Preservation Officer

September 24, 2007
Date

MISSOURI DEPARTMENT OF NATURAL RESOURCES
STATE HISTORIC PRESERVATION OFFICE
P.O. Box 176, Jefferson City, Missouri 65102

For additional information, please contact Judith Deel, (573) 751-7862. Please be sure to refer to the project number.
027-MA-07

CERTIFICATION PURSUANT TO 49 C.F.R. 1105.7(c) and 8(c)

BNSF Railway Company ("BNSF"), by and through its authorized representative, Sidney L. Strickland, Jr., certifies that on November 28, 2007, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies

Ms Victoria Rutson
Chief, SEA
Surface Transportation Board
395 E Street, S W
Washington D C 20423-0001

Mark A Miles
Director and Deputy
State Historic Preservation Officer
Historic Preservation Program, Division of State Parks
Missouri State Department of Natural Resources
P O Box 176
Jefferson City, MO 65102

Nathan Briggs
Right of Way Manager
Northeast District
Missouri Department of Transportation
P O Box 1067
South Route 61
Hannibal, MO 63401

Mitch Krueger
District Conservationist
USDA/NRCS-SWCD
P O Box 158
210 L Main Street
Shelbyville, MO 63469-0158

Lyndon Bode, Presiding Commissioner
Marion County Commissioners
100 South Main Street
County Courthouse
Palmyra, MO 63461-1661

National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway
Silver Springs, MD 20910-3282

Daniel Switzer
District Conservationist
Natural Resources Conservation Service
United States Department of Agriculture
Liberty Service Center
1 Victory Drive, Suite 100
Liberty, MO 64068-1974

Curt B Gately
Environmental Specialist IV
Missouri Department of
Natural Resources
Water Pollution Control Branch
1101 Riverside
Jefferson City, MO 65102

Neil Bass
Kansas City District, Corps of Engineers
Department of the Army
700 Federal Building
Kansas City, MO 64106-2896

Charlie Scott
Field Supervisor
Region 3
Fish and Wildlife Service
U S Department of the Interior
101 Park DeVillie Drive, Suite A
Columbia, MO 65203-0057

Marcia Sieckman
Milwaukee Field Office
Bureau of Land Management-Eastern States
U S Department of the Interior
626 E Wisconsin Avenue, Suite 200
Milwaukee, Wisconsin 53202-4617

Rhonda Dodd
Palmyra City Clerk
P O Box 32
Palmyra, MO 63461

Gene W Walsh
Project Manager, Enforcement Section
U S Army Corps of Engineers, Rock Island
Regulatory Branch
P O Box 2004
Rock Island, IL 61204-2004

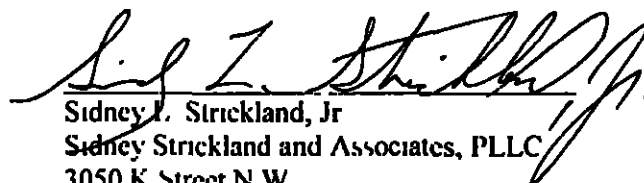
Brad Wise,
Senior Right of Way Specialist
Kansas City Area District
Missouri Department of Transportation
600 NE Colbern Road
Lee's Summit, MO 64086

Robert Maydwell
Midwest Region
National Park Service
U S Department of the Interior
601 Riverfront Drive
Omaha, NE 68102-4226

Stephen Smith
NEPA Coordinator
U S EPA, Region 7
901 N 5th Street
Kansas City, KS 66101

Missouri Federal Assistance Clearinghouse
Office of Administration
P O Box 809
Jefferson City, MO 65102

The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.


Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K Street N.W.
Suite 101
Washington, D.C. 20007

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST N W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-295-3854

SIDNEY L. STRICKLAND, JR
Sidney.Strickland@stricklandpllc.com

November 28, 2007

Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
395 E Street, S W
Washington D C 20423-0001

Re: STB Docket No. AB-6 (Sub No. 461X) BNSF Railway Company—Abandonment
Exemption – in Marion County, Missouri

Dear Ms. Rutson:

You received a letter dated November 9, 2007, indicating that on or about November 29, 2007, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.56 miles of railroad line between Milepost 13.86 and Milepost 14.42, near Palmyra, Marion County, Missouri (the "Line").

This letter is to inform you that on or about December 18, 2007, BNSF now plans to file a Petition for Exemption, rather than a Notice of Exemption, for the above mentioned railroad line. Attached are revised *Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects*, as well as a map of the affected area.

Sincerely,


Sidney L. Strickland, Jr.
Enclosure
SLS/ecw

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX. 202-295-3854

SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

November 28, 2007

Daniel Switzer
District Conservationist
Natural Resources Conservation Service
United States Department of Agriculture
Liberty Service Center
1 Victory Drive, Suite 100
Liberty MO 64068-1974

Re STB Docket No AB-6 (Sub No 461X) BNSF Railway Company — Abandonment
Exemption — in Marion County, Missouri

Dear Mr Switzer

You received a letter dated November 9, 2007, indicating that on or about November 29, 2007, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.56 miles of railroad line between Milepost 13.86 and Milepost 14.42, near Palmyra, Marion County, Missouri (the "Line")

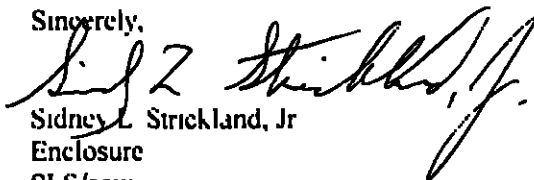
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Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.
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SIDNEY L. STRICKLAND, JR
Sidney.Strickland@stricklandpllc.com

November 28, 2007

Curt B. Gately
Environmental Specialist IV
Missouri Department of
Natural Resources
Water Pollution Control Branch
1101 Riverside
Jefferson City, MO 65102

Re STB Docket No. AB-6 (Sub No. 461X) BNSF Railway Company—Abandonment
Exemption – in Marion County, Missouri

Dear Mr. Gately:

You received a letter dated November 9, 2007, indicating that on or about November 29, 2007, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.56 miles of railroad line between Milepost 13.86 and Milepost 14.42, near Palmyra, Marion County, Missouri (the "Line").

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SIDNEY I. STRICKLAND, JR.
Sidney.Strickland@sidstricklandpllc.com

November 28, 2007

Neil Bass
Kansas City District, Corps of Engineers
Department of the Army
700 Federal Building
Kansas City, MO 64106-2896

Re: STB Docket No. AB-6 (Sub No. 461X) BNSF Railway Company—Abandonment
Exemption—in Marion County, Missouri

Dear Mr. Bass:

You received a letter dated November 9, 2007, indicating that on or about November 29, 2007, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.56 miles of railroad line between Milepost 13.86 and Milepost 14.42, near Palmyra, Marion County, Missouri (the "Line").

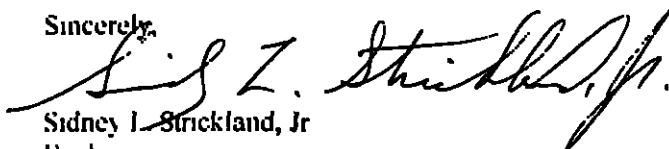
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SIDNEY L. STRICKLAND, JR
Sidney.Strickland@stricklandpllc.com

November 28, 2007

Charlie Scott
Field Supervisor
Region 3
Fish and Wildlife Service
U S Department of the Interior
101 Park DeVille Drive, Suite A
Columbia, MO 65203-0057

Re STB Docket No AB-6 (Sub No 461X) BNSF Railway Company—Abandonment
Exemption – in Marion County, Missouri

Dear Mr. Scott

You received a letter dated November 9, 2007, indicating that on or about November 29, 2007, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.56 miles of railroad line between Milepost 13.86 and Milepost 14.42, near Palmyra, Marion County, Missouri (the "Line")

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Sidney L. Strickland, Jr.
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SIDNEY L. STRICKLAND, JR
Sidney.Strickland@stricklandpllc.com

November 28, 2007

Marcia Sieckman
Milwaukee Field Office
Bureau of Land Management-Eastern States
U S Department of the Interior
626 E Wisconsin Avenue, Suite 200
Milwaukee, Wisconsin 53202-4617

Re: STB Docket No AB-6 (Sub No 461X) BNSF Railway Company Abandonment
Exemption - in Marion County, Missouri

Dear Ms Sieckman

You received a letter dated November 9, 2007, indicating that on or about November 29, 2007, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.56 miles of railroad line between Milepost 13.86 and Milepost 14.42, near Palmyra, Marion County, Missouri (the "Line").

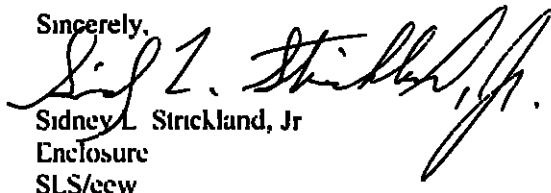
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

November 28, 2007

Rhonda Dodd
Palmyra City Clerk
P O Box 32
Palmyra, MO 63461

Re STB Docket No AB-6 (Sub No 461X) BNSF Railway Company—Abandonment
Exemption - in Marion County, Missouri

Dear Ms Dodd

You received a letter dated November 9, 2007, indicating that on or about November 29, 2007, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.56 miles of railroad line between Milepost 13.86 and Milepost 14.42, near Palmyra, Marion County, Missouri (the "Line")

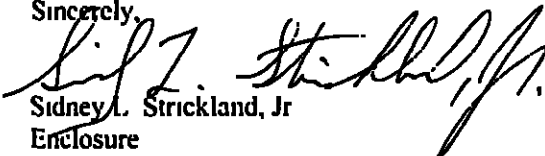
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Thank you in advance for your cooperation.

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Sidney L. Strickland, Jr.
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SIDNEY I. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

November 28, 2007

Gene W. Walsh
Project Manager, Enforcement Section
U S Army Corps of Engineers, Rock Island
Regulatory Branch
P O Box 2004
Rock Island, IL 61204-2004

Re: STB Docket No AB-6 (Sub No 461X) BNSF Railway Company--- Abandonment
Exemption -- in Marion County, Missouri

Dear Mr. Walsh:

You received a letter dated November 9, 2007, indicating that on or about November 29, 2007, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.56 miles of railroad line between Milepost 13.86 and Milepost 14.42, near Palmyra, Marion County, Missouri (the "Line").

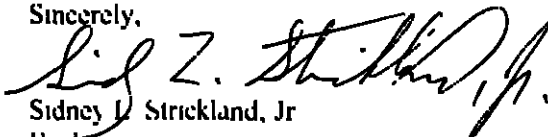
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SIDNEY L. STRICKLAND, JR
Sidney.Strickland@stricklandpllc.com

November 28, 2007

Brad Wise,
Senior Right of Way Specialist
Kansas City Area District
Missouri Department of Transportation
600 NE Colbern Road
Lee's Summit, MO 64086

Re STB Docket No AB-6 (Sub No 461X) BNSF Railway Company—Abandonment
Exemption – in Marion County, Missouri

Dear Mr. Wise

You received a letter dated November 9, 2007, indicating that on or about November 29, 2007, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.56 miles of railroad line between Milepost 13.86 and Milepost 14.42, near Palmyra, Marion County, Missouri (the "Line").

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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

November 28, 2007

Robert Maydwell
Midwest Region
National Park Service
U S Department of the Interior
601 Riverfront Drive
Omaha, NE 68102-4226

Re STB Docket No AB-6 (Sub No 461X) BNSF Railway Company—Abandonment
Exemption – in Marion County, Missouri

Dear Mr Maydwell

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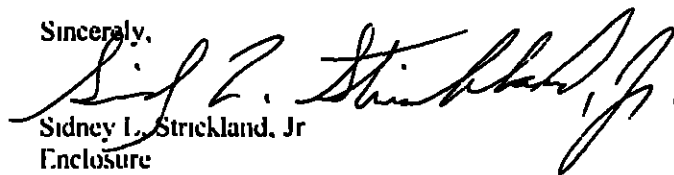
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SIDNEY L. STRICKLAND, JR
Sidney.Strickland@stricklandpllc.com

November 28, 2007

Stephen Smith
NEPA Coordinator
U S EPA, Region 7
901 N 5th Street
Kansas City, KS 66101

Re STB Docket No AB-6 (Sub No 461X) BNSF Railway Company Abandonment
Exemption – in Marion County, Missouri

Dear Mr Smith

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SIDNEY L. STRICKLAND, JR
Sidney.Strickland@stricklandpllc.com

November 28, 2007

Nathan Briggs
Right of Way Manager
Northeast District
Missouri Department of Transportation
P O Box 1067
South Route 61
Hannibal, MO 63401

Re STB Docket No AB-6 (Sub No 461X) BNSI Railway Company—Abandonment
Exemption – in Marion County, Missouri

Dear Mr Briggs

You received a letter dated November 9, 2007, indicating that on or about November 29, 2007, BNSI Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.56 miles of railroad line between Milepost 13.86 and Milepost 14.42, near Palmyra, Marion County, Missouri (the "Line")

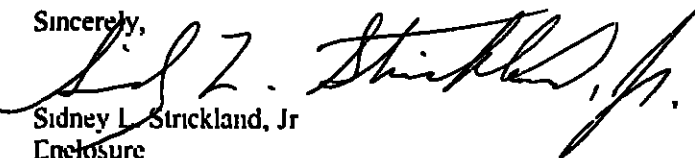
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

November 28, 2007

Mitch Krueger
District Conservationist
USDA/NRCS-SWCD
P O Box 158
210 E. Main Street
Shelbyville, MO 63469-0158

Re: STB Docket No. AB-6 (Sub No. 461X) BNSF Railway Company—Abandonment
Exemption – in Marion County, Missouri

Dear Mr. Krueger:

You received a letter dated November 9, 2007, indicating that on or about November 29, 2007, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.56 miles of railroad line between Milepost 13.86 and Milepost 14.42, near Palmyra, Marion County, Missouri (the "Line").

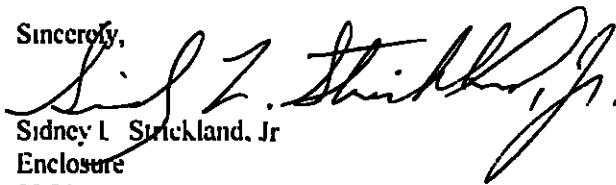
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Enclosure
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SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX 202-295-3854

SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

November 28, 2007

National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway
Silver Springs, MD 20910-3282

Re STB Docket No AB-6 (Sub No 461X) BNSF Railway Company—Abandonment
Exemption – in Marion County, Missouri

Dear Sir or Madam:

You received a letter dated November 9, 2007, indicating that on or about November 29, 2007, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.56 miles of railroad line between Milepost 13.86 and Milepost 14.42, near Palmyra, Marion County, Missouri (the "Line").

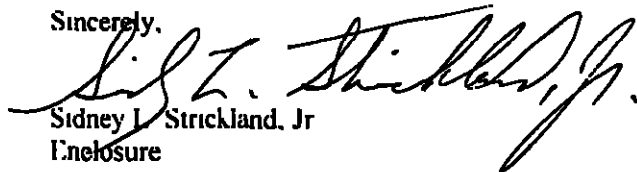
This letter is to inform you that on or about December 18, 2007, BNSF now plans to file a Petition for Exemption, rather than a Notice of Exemption, for the above mentioned railroad line. Attached are revised Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental and historic analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001, Telephone (202) 245-0295, and refer to the above Docket No. AB-6 (Sub No 461X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to the undersigned) would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned by telephone at (202) 338-1325 or by mail at Sidney Strickland and Associates, PLLC, 3050 K Street, N.W., Suite 101, Washington, DC 20007.

Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.
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November 28, 2007

Missouri Federal Assistance Clearinghouse
Office of Administration
P O Box 809
Jefferson City, MO 65102

Re STB Docket No AB-6 (Sub No 461X) BNSF Railway Company—Abandonment
Exemption – in Marion County, Missouri

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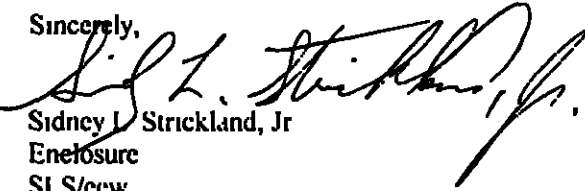
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

November 28, 2007

Mark A. Miles
Director and Deputy, State Historic Preservation Officer
Historic Preservation Program, Division of State Parks
Missouri State Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

Re: STB Docket No. AB-6 (Sub No. 461X) BNSF Railway Company--Abandonment
Exemption -- in Marion County, Missouri

Dear Mr. Miles:

You received a letter dated November 9, 2007, indicating that on or about November 29, 2007, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.56 miles of railroad line between Milepost 13.86 and Milepost 14.42, near Palmyra, Marion County, Missouri (the "line").


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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

November 28, 2007

Lyndon Bode, Presiding Commissioner
Marion County Commissioners
100 South Main Street
County Courthouse
Palmyra, MO 63461-1661

Re: STB Docket No. AB-6 (Sub No. 461X) BNSF Railway Company—Abandonment
Exemption – in Marion County, Missouri

Dear Mr. Bode:

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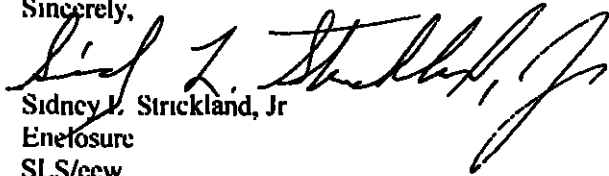
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